

**BEFORE THE  
DIRECTOR OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**CHEVREM CORPORATION, DBA  
CLEAR BLUE TEST ONLY SMOG  
STATION**

2850 Crow Canyon Road  
San Ramon, California 94583  
**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 241700  
Smog Check, Test Only Station License  
No. TC 241700,

**HARPREET SINGH CHHINA**

2680 Cherry Blossom Way  
Union City, California 94587  
Advanced Emission Specialist Technician  
License No. EA 152180

**CHEVREM CORPORATION, DBA  
CLEAR BLUE TEST ONLY SMOG  
STATION 2**

3790 Hopyard Road  
Pleasanton, California 94588  
**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 244942  
Smog Check, Test Only Station License  
No. TC 244942,

**CHRISTOPHER BRYAN HARRISON**

143 Roxanne Court, #2  
Walnut Creek, California 94597  
Advanced Emission Specialist Technician  
License No. EA 151176

**CHEVREM CORPORATION, DBA  
CLEAR BLUE TEST ONLY SMOG  
STATION 3**

898 A Street  
Hayward, California 94541  
**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 248804  
Smog Check Test Only Station License  
No. TC 248804

///

Case No. 79/09-21

[As to BRYAN LEONARD SCHAUB  
only]

**WINCHESTER SIBUMA ORDONEZ**  
2210 Grove Way  
Castro Valley, California 94546  
Advanced Emission Specialist Technician  
License No. EA 144440

**CHEVREM CORPORATION, DBA  
TEST ONLY SMOG STATION II**  
5200 Telegraph Avenue  
Oakland, California 94609  
**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 236306  
Smog Check, Test Only Station  
No. TC 236306

**BRYAN LEONARD SCHAUB**  
46410 Briar Place  
Fremont, California 94539  
Advanced Emission Specialist Technician  
License No. EA 152893

**NUSRET B. TOPCU**  
2427 Byron Street  
Berkeley, California 94702  
Advanced Emission Specialist Technician  
License No. EA 147911

**MATTHEW JARED PHELPS**  
916 Magnolia Drive  
Alameda, California 94502  
Advanced Emission Specialist Technician  
License No. EA 151026

**CHEVREM CORPORATION, DBA  
G I C SMOG STATION**  
690 Ygnacio Valley Road, #3  
Walnut Creek, California 94596  
**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 221700  
Smog Check, Test Only Station License  
No. TC 221700

**NUSRET B. TOPCU**  
2427 Byron Street  
Berkeley, California 94702  
Advanced Emission Specialist Technician  
License No. EA 147911

Respondents.

**DECISION**

The attached Stipulated Revocation and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Bryan Leonard Schaub, Advanced Emission Specialist Technician License No. EA 152893.

This Decision shall become effective 4/9/09.

DATED: March 4, 2009

P. J. Harris  
PATRICIA HARRIS  
Deputy Director, Board/Bureau Support  
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 WILBERT E. BENNETT

Supervising Deputy Attorney General

3 KIM M. SETTLES, State Bar No. 116945

Deputy Attorney General

4 1515 Clay Street, 20<sup>th</sup> Floor

P.O. Box 70550

5 Oakland, CA 94612-0550

Telephone: (510) 622-2138

6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/09-21

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13 **CLEAR BLUE TEST ONLY SMOG**  
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2850 Crow Canyon Road

14 San Ramon, California 94583

**FATIH TEKIN, PRESIDENT**

15 Automotive Repair Dealer Registration  
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No. TC 241700,

17 **HARPREET SINGH CHHINA**

18 2680 Cherry Blossom Way

Union City, California 94587

19 Advanced Emission Specialist Technician  
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20 **CHEVREM CORPORATION, DBA**  
21 **CLEAR BLUE TEST ONLY SMOG**  
22 **STATION 2**

3790 Hopyard Road

Pleasanton, California 94588

23 **FATIH TEKIN, PRESIDENT**

Automotive Repair Dealer Registration

24 No. ARD 244942

Smog Check, Test Only Station License

25 No. TC 244942,

26 **CHRISTOPHER BRYAN HARRISON**

143 Roxanne Court, #2

27 Walnut Creek, California 94597

Advanced Emission Specialist Technician

28 License No. EA 151176

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

[As to BRYAN LEONARD SCHAUB  
only]

1 **CHEVREM CORPORATION, DBA**  
2 **CLEAR BLUE TEST ONLY SMOG**  
3 **STATION 3**  
898 A Street  
4 Hayward, California 94541  
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6 Automotive Repair Dealer Registration  
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License No. EA 144440  
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13 **CHEVREM CORPORATION, DBA**  
14 **TEST ONLY SMOG STATION II**  
5200 Telegraph Avenue  
15 Oakland, California 94609  
16 **FATIH TEKIN, PRESIDENT**  
17 Automotive Repair Dealer Registration  
No. ARD 236306  
18 Smog Check, Test Only Station  
No. TC 236306  
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20 **BRYAN LEONARD SCHAUB**  
46410 Briar Place  
21 Fremont, California 94539  
22 Advanced Emission Specialist Technician  
License No. EA 152893  
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24 **NUSRET B. TOPCU**  
2427 Byron Street  
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License No. EA 147911  
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28 **MATTHEW JARED PHELPS**  
916 Magnolia Drive  
Alameda, California 94502  
Advanced Emission Specialist Technician  
License No. EA 151026  
  
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Smog Check, Test Only Station License  
No. TC 221700  
///

1 **NUSRET B. TOPCU**  
2427 Byron Street  
2 Berkeley, California 94702  
Advanced Emission Specialist Technician  
3 License No. EA 147911

4 Respondents.

5  
6 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
7 above-entitled proceedings that the following matters are true:

8 **PARTIES**

9 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive  
10 Repair. She brought this action solely in her official capacity and is represented in this matter by  
11 Edmund G. Brown Jr., Attorney General of the State of California, by Kim M. Settles, Deputy  
12 Attorney General.

13 2. Respondent, BRYAN LEONARD SCHAUB (Respondent) is representing  
14 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

15 3. On or about May 13, 2002, the Bureau of Automotive Repair issued  
16 Advanced Emission Specialist Technician License No. EA 152893 to BRYAN LEONARD  
17 SCHAUB (Respondent). The technician license was in full force and effect at all times relevant  
18 to the charges brought herein and will expire on September 30, 2010, unless renewed.

19 **JURISDICTION**

20 4. Accusation No. 79/09-21 was filed before the Department of Consumer  
21 Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending  
22 against Respondent. The Accusation and all other statutorily required documents were properly  
23 served on Respondent on September 24, 2008. Respondent timely filed his Notice of Defense  
24 contesting the Accusation. A copy of Accusation No. 79/09-21 is attached as Exhibit A and  
25 incorporated herein by reference.

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## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 79/09-21. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/09-21, as such allegations may pertain to the use of his technician license.

9. Respondent agrees that his Advanced Emission Specialist Technician License Number EA 152893 is subject to discipline and he agrees to be bound by the Director's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

11. Respondent understands that by signing this stipulation he is enabling the Director to issue her order disciplining Advanced Emission Specialist Technician License Number EA 152893 without further process. In the event this stipulation is rejected for any reason by the Director, it will be of no force or effect for either party. The Director will not be disqualified from further action in this matter by virtue of her consideration of this stipulation.

1                   12.     The parties hereto stipulate that in the event that this Stipulated Settlement  
2 is not adopted by the Director, nothing herein recited shall be construed as a waiver of  
3 Respondent's right to a hearing or as an admission of the truth of any of the matters charged in  
4 the Accusation.

5                   13.     The parties acknowledge that based on the foregoing recitals, IT IS  
6 HEREBY STIPULATED AND AGREED that the Director of Consumer Affairs may issue the  
7 following Disciplinary Order:

8                                           **DISCIPLINARY ORDER**

9                   IT IS HEREBY ORDERED that Advanced Emission Specialist Technician  
10 License No. EA 152893 issued to Respondent BRYAN LEONARD SCHAUH is revoked.  
11 However, the revocation is stayed and Respondent is placed on probation for two (2) years on the  
12 following terms and conditions.

13                   1.     **Obey All Laws.** Comply with all statutes, regulations and rules governing  
14 automotive inspections, estimates and repairs.

15                   2.     **Reporting.** Respondent or Respondent's authorized representative must  
16 report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule  
17 set by the Bureau, but no more frequently than each quarter, on the methods used and success  
18 achieved in maintaining compliance with the terms and conditions of probation.

19                   3.     **Jurisdiction.** If an accusation or petition to revoke probation is filed  
20 against Respondent during the term of probation, the Director of Consumer Affairs shall have  
21 continuing jurisdiction over this matter until the final decision on the accusation or petition, and  
22 the period of probation shall be extended until such decision.

23                   4.     **Violation of Probation.** Should the Director of Consumer Affairs  
24 determine that Respondent has failed to comply with the terms and conditions of probation, the  
25 Director may, after giving notice and opportunity to be heard, suspend or revoke Respondent's  
26 license.

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5. **Continuing Education Courses.** During the period of probation, Respondent shall attend and successfully complete a Bureau certified "8 Hour Smog Technician Citation Training Course". Said course shall be completed and proof of completion submitted to the Bureau within 60 days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 60-day period, Respondent's license shall be immediately suspended until such proof is received. If proof of completion of the course is not furnished to the Bureau within 120 days of the effective date of this decision and order, Respondent's license shall be permanently revoked.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 02/05/09

Bryan Leonard Schaub  
BRYAN LEONARD SCHAUB  
Respondent

## ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

DATED: 2/17/09

EDMUND G. BROWN JR., Attorney General  
of the State of California

WILBERT E. BENNETT  
Supervising Deputy Attorney General

Kim M. Settles  
KIM M. SETTLES  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 79/09-21**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
3 KIM M. SETTLES, State Bar No. 116945  
Deputy Attorney General  
4 1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
5 Oakland, CA 94612-0550  
Telephone: (510) 622-2138  
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant

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No. TC 241700,

**[SMOG CHECK]**

17 **HARPREET SINGH CHHINA**  
18 2680 Cherry Blossom Way  
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2427 Byron Street  
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Advanced Emission Specialist Technician  
License No. EA 147911  
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916 Magnolia Drive  
24 Alameda, California 94502  
Advanced Emission Specialist Technician  
License No. EA 151026  
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**FATIH TEKIN, PRESIDENT**  
Automotive Repair Dealer Registration  
No. ARD 221700  
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///

1 **NUSRET B. TOPCU**  
2 2427 Byron Street  
3 Berkeley, California 94702  
4 Advanced Emission Specialist Technician  
5 License No. EA 147911

6 Respondents.

7 Sherry Mehl ("Complainant") alleges:

8 **PARTIES**

9 1. Complainant brings this Accusation solely in her official capacity as the  
10 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

11 **LICENSE HISTORY**

12 **RESPONDENT NO. 1**

13 **Automotive Repair Dealer Registration**

14 2. On or about February 3, 2006, the Bureau issued Automotive Repair  
15 Dealer Registration Number ARD 241700 ("registration") to Chevrem Corporation, doing  
16 business as Clear Blue Test Only Smog Station ("Respondent No. 1") with Fatih Tekin as  
17 president. The registration will expire on September 30, 2008, unless renewed.

18 **Smog Check, Test Only Station License**

19 3. On or about February 16, 2006, the Bureau issued Smog Check, Test Only  
20 Station License Number TC 241700 to Respondent No. 1. The registration will expire on  
21 September 30, 2008, unless renewed.

22 **Advanced Emission Specialist Technician License**

23 4. On or about December 21, 2006, the Bureau issued Advanced Emission  
24 Specialist Technician License Number EA 152180 ("technician license") to Harpreet Singh  
25 Chhina ("Respondent Chhina"). The technician license will expire on June 30, 2010, unless  
26 renewed.

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1 Ordonez ("Respondent Ordonez"). The technician license will expire on October 31, 2010  
2 unless renewed.

3 **RESPONDENT NO. 4**

4 **Automotive Repair Dealer Registration**

5 11. On or about February 9, 2005, the Bureau issued Automotive Repair  
6 Dealer Registration Number ARD 236306 ("registration") to Chevrem Corporation, doing  
7 business as Test Only Smog Station II ("Respondent No. 4") with Fatih Tekin as president. The  
8 registration will expire on October 31, 2008, unless renewed.

9 **Smog Check, Test Only Station License**

10 12. On or about February 14, 2005, the Bureau issued Smog Check, Test Only  
11 Station License Number TC 236306 ("station license") to Respondent No. 4. The station license  
12 will expire on October 31, 2008, unless renewed.

13 **Advanced Emission Specialist Technician License**

14 13. On or about July 7, 2006, the Bureau issued Advanced Emission Specialist  
15 Technician License Number EA 152893 ("technician license") to Bryan Leonard Schaub  
16 ("Respondent Schaub"). The technician license will expire on September 30, 2010, unless  
17 renewed.

18 **Advanced Emission Specialist Technician License**

19 14. On or about November 26, 2003, the Bureau issued Advanced Emission  
20 Specialist Technician License Number EA 147911 ("technician license") to Nusret B. Topcu  
21 ("Respondent Topcu"). The technician license expired on October 31, 2007.

22 **Advanced Emission Specialist Technician License**

23 15. On or about February 18, 2005, the Bureau issued Advanced Emission  
24 Specialist Technician License Number EA 151026 ("technician license") to Matthew Jared  
25 Phelps ("Respondent Phelps"). The technician license will expire on December 31, 2008, unless  
26 renewed.

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1 (6) Failure in any material respect to comply with the provisions of this  
2 chapter [the Automotive Repair Act (Bus. & Prof. Code, 9880, et seq.)] or  
regulations adopted pursuant to it.

3 (b) Except as provided for in subdivision (c), if an automotive repair  
4 dealer operates more than one place of business in this state, the director pursuant  
5 to subdivision (a) shall only invalidate temporarily or permanently the registration  
6 of the specific place of business which has violated any of the provisions of this  
chapter. This violation, or action by the director, shall not affect in any manner  
the right of the automotive repair dealer to operate his or her other places of  
business.

7 (c) Notwithstanding subdivision (b), the director may invalidate  
8 temporarily or permanently, the registration for all places of business operated in  
9 this state by an automotive repair dealer upon a finding that the automotive repair  
dealer has, or is, engaged in a course of repeated and willful violations of this  
chapter, or regulations adopted pursuant to it.

10 20. Code section 9884.9, subdivision (a), states:

11 (a) The automotive repair dealer shall give to the customer a written  
12 estimated price for labor and parts necessary for a specific job. No work shall be  
13 done and no charges shall accrue before authorization to proceed is obtained from  
14 the customer. No charge shall be made for work done or parts supplied in excess  
15 of the estimated price without the oral or written consent of the customer that  
16 shall be obtained at some time after it is determined that the estimated price is  
17 insufficient and before the work not estimated is done or the parts not estimated  
18 are supplied. Written consent or authorization for an increase in the original  
19 estimated price may be provided by electronic mail or facsimile transmission from  
the customer. The bureau may specify in regulation the procedures to be followed  
by an automotive repair dealer if an authorization or consent for an increase in the  
original estimated price is provided by electronic mail or facsimile transmission.  
If that consent is oral, the dealer shall make a notation on the work order of the  
date, time, name of person authorizing the additional repairs and telephone  
number called, if any, together with a specification of the additional parts and  
labor and the total additional cost, and shall do either of the following:

20 (1) Make a notation on the invoice of the same facts set forth in the  
notation on the work order.

21 (2) Upon completion of the repairs, obtain the customer's signature or  
initials to an acknowledgment of notice and consent, if there is an oral consent of  
the customer to additional repairs, in the following language:

22 "I acknowledge notice and oral approval of an increase in the original estimated  
23 price.

24 \_\_\_\_\_  
(signature or initials)"

25 Nothing in this section shall be construed as requiring an automotive  
26 repair dealer to give a written estimated price if the dealer does not agree to  
perform the requested repair.

27 21. Code section 9884.13 provides, in pertinent part, that the expiration of a  
28 valid registration shall not deprive the director or chief of jurisdiction to proceed with a

1 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a  
2 registration temporarily or permanently.

3 22. Code section 477 provides, in pertinent part, that "Board" includes  
4 "bureau," "commission," "committee," "department," "division," "examining committee,"  
5 "program," and "agency." "License" includes certificate, registration or other means to engage  
6 in a business or profession regulated by the Code.

7 23. Section 44002 of the Health and Safety Code provides, in pertinent part,  
8 that the Director has all the powers and authority granted under the Automotive Repair Act for  
9 enforcing the Motor Vehicle Inspection Program.

10 24. Section 44072.2 of the Health and Safety Code states, in pertinent part:

11 The director may suspend, revoke, or take other disciplinary action against  
12 a license as provided in this article if the licensee, or any partner, officer, or  
director thereof, does any of the following:

13 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
14 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted  
pursuant to it, which related to the licensed activities.

15 (c) Violates any of the regulations adopted by the director pursuant to this  
16 chapter.

17 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
another is injured.

18 25. Section 44072.6 of the Health and Safety Code provides, in pertinent part,  
19 that the expiration or suspension of a license by operation of law, or by order or decision of the  
20 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall  
21 not deprive the Director of jurisdiction to proceed with disciplinary action.

22 26. Section 44072.8 of the Health and Safety Code states:

23 "When a license has been revoked or suspended following a hearing under this  
24 article, any additional license issued under this chapter in the name of the licensee may be  
25 likewise revoked or suspended by the director."

26 **REGULATORY PROVISION**

27 27. California Code of Regulations, title 16, section 3356, subdivision (a)(1),  
28 states:

1 (a) All invoices for service and repair work performed, and parts  
2 supplied, as provided for in Section 9884.8 of the Business and Professions Code,  
shall comply with the following:

3 (1) The invoice shall show the automotive repair dealer's registration  
4 number and the corresponding business name and address as shown in the  
Bureau's records.

5 **COST RECOVERY**

6 28. Code section 125.3 provides, in pertinent part, that a Board may request  
7 the administrative law judge to direct a licensee found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

10 **RESPONDENT NO. 1**

11 **UNDERCOVER OPERATION - JUNE 26, 2007**

12 29. On June 26, 2007, a Bureau undercover operator using the alias  
13 Ron Picard ("operator") drove a Bureau-documented 1992 Toyota, California License Plate No.  
14 4S12688, to Respondent No. 1's facility for a smog inspection. The vehicle could not pass a  
15 smog inspection because the vehicle's air suction ("AS") system was missing. Respondent  
16 Chhina performed the smog inspection and issued electronic Certificate of Compliance No.  
17 MS616778, certifying that he had tested and inspected the 1992 Toyota and that the vehicle was  
18 in compliance with applicable laws and regulations. In fact, the vehicle could not have passed  
19 the visual portion of the smog inspection because the vehicle's AS system was missing.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 30. Respondent No. 1's registration is subject to disciplinary action pursuant  
23 to Code section 9884.7, subdivision (a)(1), in that on or about June 26, 2007, it made or  
24 authorized statements which it knew or in the exercise of reasonable care it should have known  
25 to be untrue or misleading by issuing electronic Certificate of Compliance No. MS616778 for the  
26 1992 Toyota, certifying that the vehicle was in compliance with applicable laws and regulations.  
27 In fact, the vehicle could not have passed the visual portion of the smog inspection because the  
28 vehicle's AS system was missing.



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1           b.     Section 3340.30, subdivision (a): Respondent Chhina failed to inspect  
2 and test the vehicle in accordance with Health and Safety Code section 44012.

3           c.     Section 3340.41, subdivision (c): Respondent Chhina entered false  
4 information into the Emission Inspection System ("EIS") by entering "Pass" for the visual  
5 portion of the smog test when, in fact, the vehicle could not have passed the visual portion of the  
6 smog inspection because the vehicle's AS system was missing.

7           d.     Section 3340.42: Respondent Chhina failed to conduct the required smog  
8 tests on the vehicle in accordance with the Bureau's specifications.

9                           **EIGHTH CAUSE FOR DISCIPLINE**

10                           **(Dishonesty, Fraud or Deceit)**

11           37.     Respondent Chhina has subjected his technician license to disciplinary  
12 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
13 June 26, 2007, regarding the 1992 Toyota, he committed acts involving dishonesty, fraud or  
14 deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
15 MS616778 for that vehicle without performing a bona fide inspection of the emission control  
16 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18                           **UNDERCOVER OPERATION - JULY 25, 2007**

19           38.     On July 25, 2007, a Bureau undercover operator using the alias  
20 Steve Palmer ("operator") drove a Bureau-documented 1994 Toyota Camry, California License  
21 Plate No. 3FLD508, to Respondent No. 1's facility for a smog inspection. The vehicle could not  
22 pass the functional portion of the smog inspection because the vehicle's ignition timing was  
23 adjusted beyond the manufacturer's specifications. Respondent Chhina performed the smog  
24 inspection and issued electronic Certificate of Compliance No. MU025610, certifying that he had  
25 tested and inspected the 1994 Toyota Camry and that the vehicle was in compliance with  
26 applicable laws and regulations. In fact, the vehicle could not have passed the functional portion  
27 of the smog inspection because the vehicle's ignition timing was adjusted beyond the  
28 manufacturer's specifications.





1           b.     Section 44012, subdivision (f): Respondent No. 1 failed to perform  
2 emission control tests on the vehicle in accordance with procedures prescribed by the department.

3           c.     Section 44015, subdivision (b): Respondent No. 1 issued electronic  
4 Certificate of Compliance No. MU025610 for the vehicle without properly testing and inspecting  
5 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

6           d.     Section 44059: Respondent No. 1 willfully made false entries for  
7 electronic Certificate of Compliance No. MU025610 by certifying that the vehicle had been  
8 inspected as required when, in fact, it had not.

9                           **TWELFTH CAUSE FOR DISCIPLINE**

10                       **(Failure to Comply with Regulations Pursuant**  
11                       **to the Motor Vehicle Inspection Program)**

12           42.     Respondent No. 1's station license is subject to disciplinary action  
13 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
14 July 25, 2007, regarding the 1994 Toyota Camry, it failed to comply with provisions of  
15 California Code of Regulations, title 16, as follows:

16           a.     Section 3340.24, subdivision (c): Respondent No. 1 falsely or  
17 fraudulently issued electronic Certificate of Compliance No. MU025610 for the vehicle, in that  
18 the vehicle could not pass the functional portion of the smog inspection because the vehicle's  
19 ignition timing was adjusted beyond the manufacturer's specifications.

20           b.     Section 3340.35, subdivision (c): Respondent No. 1 issued electronic  
21 Certificate of Compliance No. MU025610 for the vehicle even though the vehicle had not been  
22 inspected in accordance with section 3340.42.

23           c.     Section 3340.42: Respondent No. 1 failed to conduct the required smog  
24 tests on the vehicle in accordance with the Bureau's specifications.

25                           **THIRTEENTH CAUSE FOR DISCIPLINE**

26                       **(Dishonesty, Fraud or Deceit)**

27           43.     Respondent No. 1's station license is subject to disciplinary action  
28 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about

1 July 25, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured by  
2 issuing electronic Certificate of Compliance No. MU025610 for the 1994 Toyota Camry without  
3 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
4 thereby depriving the People of the State of California of the protection afforded by the Motor  
5 Vehicle Inspection Program.

6 **FOURTEENTH CAUSE FOR DISCIPLINE**

7 **(Violations of the Motor Vehicle Inspection Program)**

8 44. Respondent Chhina has subjected his technician license to disciplinary  
9 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
10 July 25, 2007, regarding the 1994 Toyota Camry, he violated the following sections of that Code:

11 a. **Section 44012, subdivision (a):** Respondent Chhina failed to determine  
12 that all emission control devices and systems required by law were installed and functioning  
13 correctly in accordance with test procedures.

14 b. **Section 44012, subdivision (f):** Respondent Chhina failed to perform  
15 emission control tests on the vehicle in accordance with procedures prescribed by the department..

16 c. **Section 44032:** Respondent Chhina failed to perform tests of the  
17 emission control devices and systems on the vehicle in accordance with section 44012 of that  
18 Code.

19 d. **Section 44059:** Respondent entered false information for electronic  
20 Certificate of Compliance No. MU025610 by certifying that the vehicle had been inspected as  
21 required when, in fact, it had not.

22 **FIFTEENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Regulations Pursuant  
24 to the Motor Vehicle Inspection Program)**

25 45. Respondent Chhina has subjected his technician license to disciplinary  
26 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
27 July 25, 2007, regarding the 1994 Toyota Camry, he violated the following sections of the  
28 California Code of Regulations, title 16:

1           a.     Section 3340.24, subdivision (c): Respondent Chhina falsely or  
2 fraudulently issued electronic Certificate of Compliance No. MU025610 for the vehicle, in that  
3 the vehicle could not pass the functional portion of the smog inspection because the vehicle's  
4 ignition timing was adjusted beyond the manufacturer's specifications.

5           b.     Section 3340.30, subdivision (a): Respondent Chhina failed to inspect  
6 and test the vehicle in accordance with Health and Safety Code section 44012.

7           c.     Section 3340.41, subdivision (c): Respondent Chhina entered false  
8 information into the EIS unit by entering "Pass" for the functional portion of the smog inspection  
9 when, in fact, the vehicle the vehicle could not have passed the functional portion of the  
10 inspection because the vehicle's ignition timing was adjusted beyond the manufacturer's  
11 specifications.

12          d.     Section 3340.42: Respondent Chhina failed to conduct the required smog  
13 tests on the vehicle in accordance with the Bureau's specifications.

14                   **SIXTEENTH CAUSE FOR DISCIPLINE**

15                           **(Dishonesty, Fraud or Deceit)**

16          46.     Respondent Chhina has subjected his technician license to disciplinary  
17 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
18 July 25, 2007, regarding the 1994 Toyota Camry, he committed acts involving dishonesty, fraud  
19 or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
20 MU025610 for that vehicle without performing a bona fide inspection of the emission control  
21 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
22 protection afforded by the Motor Vehicle Inspection Program.

23                   **UNDERCOVER OPERATION - JULY 26, 2007**

24          47.     On July 26, 2007, a Bureau undercover operator using the alias  
25 Steve Palmer ("operator") drove a Bureau-documented 1996 Ford Explorer, California License  
26 Plate No. 3PZE600, to Respondent No. 1's facility for a smog inspection. The vehicle could not  
27 pass a smog inspection because the vehicle's positive crankcase ventilation ("PCV") system was  
28 missing. Respondent Chhina performed the smog inspection and issued electronic Certificate of

1 Compliance No. MU025621, certifying that he had tested and inspected the 1996 Ford Explorer  
2 and that the vehicle was in compliance with applicable laws and regulations. In fact, the vehicle  
3 could not have passed the visual portion of the smog inspection because the vehicle's PCV  
4 system was missing.

5 **SEVENTEENTH CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 48. Respondent No. 1's registration is subject to disciplinary action pursuant  
8 to Code section 9884.7, subdivision (a)(1), in that on or about July 26, 2007, it made or  
9 authorized statements which it knew or in the exercise of reasonable care it should have known  
10 to be untrue or misleading by issuing electronic Certificate of Compliance No. MU025621 for  
11 the 1996 Ford Explorer, certifying that the vehicle was in compliance with applicable laws and  
12 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
13 because the vehicle's PCV system was missing.

14 **EIGHTEENTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 49. Respondent No. 1's registration is subject to disciplinary action pursuant  
17 to Code section 9884.7, subdivision (a)(4), in that on or about July 26, 2007, it committed acts  
18 which constitute fraud by issuing electronic Certificate of Compliance No. MU025621 for the  
19 1996 Ford Explorer without performing a bona fide inspection of the emission control devices  
20 and systems on the vehicle, thereby depriving the People of the State of California of the  
21 protection afforded by the Motor Vehicle Inspection Program.

22 **NINETEENTH CAUSE FOR DISCIPLINE**

23 **(Violations of the Motor Vehicle Inspection Program)**

24 50. Respondent No. 1's station license is subject to disciplinary action  
25 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
26 July 26, 2007, regarding the 1996 Ford Explorer, it failed to comply with the following sections  
27 of that Code:

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1           a.     Section 44012, subdivision (a): Respondent No. 1 failed to determine  
2 that all emission control devices and systems required by law were installed and functioning  
3 correctly in accordance with test procedures.

4           b.     Section 44012, subdivision (f): Respondent No. 1 failed to perform  
5 emission control tests on the vehicle in accordance with procedures prescribed by the department.

6           c.     Section 44015, subdivision (b): Respondent No. 1 issued electronic  
7 Certificate of Compliance No. MU025621 for the vehicle without properly testing and inspecting  
8 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

9           d.     Section 44059: Respondent No. 1 willfully made false entries for  
10 electronic Certificate of Compliance No. MU025621 by certifying that the vehicle had been  
11 inspected as required when, in fact, it had not.

12                   **TWENTIETH CAUSE FOR DISCIPLINE**

13                   **(Failure to Comply with Regulations Pursuant**  
14                   **to the Motor Vehicle Inspection Program)**

15           51.     Respondent No. 1's station license is subject to disciplinary action  
16 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
17 July 26, 2007, regarding the 1996 Ford Explorer, it failed to comply with provisions of California  
18 Code of Regulations, title 16, as follows:

19           a.     Section 3340.24, subdivision (c): Respondent No. 1 falsely or  
20 fraudulently issued electronic Certificate of Compliance No. MU025621 for the vehicle, in that  
21 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
22 system was missing.

23           b.     Section 3340.35, subdivision (c): Respondent No. 1 issued electronic  
24 Certificate of Compliance No. MU025621 for the vehicle even though the vehicle had not been  
25 inspected in accordance with section 3340.42.

26           c.     Section 3340.42: Respondent No. 1 failed to conduct the required smog  
27 tests on the vehicle in accordance with the Bureau's specifications.

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1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 52. Respondent No. 1's station license is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
5 July 26, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured by  
6 issuing electronic Certificate of Compliance No. MU025621 for the 1996 Ford Explorer without  
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
8 thereby depriving the People of the State of California of the protection afforded by the Motor  
9 Vehicle Inspection Program.

10 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

11 **(Violations of the Motor Vehicle Inspection Program)**

12 53. Respondent Chhina has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
14 July 26, 2007, regarding the 1996 Ford Explorer, he violated the following sections of that Code:

15 a. **Section 44012, subdivision (a):** Respondent Chhina failed to determine  
16 that all emission control devices and systems required by law were installed and functioning  
17 correctly in accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent Chhina failed to perform  
19 emission control tests on the vehicle in accordance with procedures prescribed by the department.

20 c. **Section 44032:** Respondent Chhina failed to perform tests of the  
21 emission control devices and systems on the vehicle in accordance with section 44012 of that  
22 Code.

23 d. **Section 44059:** Respondent entered false information for electronic  
24 Certificate of Compliance No. MU025621 by certifying that the vehicle had been inspected as  
25 required when, in fact, it had not.

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1                                    **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2                                    **(Failure to Comply with Regulations Pursuant**  
3                                    **to the Motor Vehicle Inspection Program)**

4                    54.    Respondent Chhina has subjected his technician license to disciplinary  
5                    action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
6                    July 26, 2007, regarding the 1996 Ford Explorer, he violated the following sections of the  
7                    California Code of Regulations, title 16:

8                    a.        **Section 3340.24, subdivision (c):** Respondent Chhina falsely or  
9                    fraudulently issued electronic Certificate of Compliance No. MU025621 for the vehicle, in that  
10                   the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
11                   system was missing.

12                   b.        **Section 3340.30, subdivision (a):** Respondent Chhina failed to inspect  
13                   and test the vehicle in accordance with Health and Safety Code section 44012.

14                   c.        **Section 3340.41, subdivision (c):** Respondent Chhina entered false  
15                   information into the EIS unit by entering "Pass" for the visual portion of the smog test when, in  
16                   fact, the vehicle's PCV system was missing.

17                   d.        **Section 3340.42:** Respondent Chhina failed to conduct the required smog  
18                   tests on the vehicle in accordance with the Bureau's specifications.

19                                    **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

20                                    **(Dishonesty, Fraud or Deceit)**

21                   55.    Respondent Chhina has subjected his technician license to disciplinary  
22                   action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
23                   July 26, 2007, regarding the 1996 Ford Explorer, he committed acts involving dishonesty, fraud  
24                   or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
25                   MU025621 for that vehicle without performing a bona fide inspection of the emission control  
26                   devices and systems on the vehicle, thereby depriving the People of the State of California of the  
27                   protection afforded by the Motor Vehicle Inspection Program.

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1                                    **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

2                                    **(Fraud)**

3                    59.      Respondent No. 2's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(4), in that on or about September 21, 2007, it committed  
5 acts which constitute fraud by issuing electronic Certificate of Compliance No. MU744740 for  
6 the 1989 Ford Ranger without performing a bona fide inspection of the emission control devices  
7 and systems on the vehicle, thereby depriving the People of the State of California of the  
8 protection afforded by the Motor Vehicle Inspection Program.

9                                    **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

10                                  **(Failure to Comply with Regulations)**

11                    60.      Respondent is subject to discipline under Code section 9884.7, subdivision  
12 (a)(6), in that on or about September 21, 2007, Respondent failed to materially comply with  
13 California Code of Regulations, title 16, section 3356, subdivision (a)(1), by failing to set forth  
14 its business name as reflected on Bureau records.

15                                  **TWENTY-NINTH CAUSE FOR DISCIPLINE**

16                                  **(Violations of the Motor Vehicle Inspection Program)**

17                    61.      Respondent No. 2's station license is subject to disciplinary action  
18 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
19 September 21, 2007, regarding the 1989 Ford Ranger, it failed to comply with the following  
20 sections of that Code:

21                    a.      **Section 44012, subdivision (a):** Respondent No. 2 failed to determine  
22 that all emission control devices and systems required by law were installed and functioning  
23 correctly in accordance with test procedures.

24                    b.      **Section 44012, subdivision (f):** Respondent No. 2 failed to perform  
25 emission control tests on the vehicle in accordance with procedures prescribed by the department.

26                    c.      **Section 44015, subdivision (b):** Respondent No. 2 issued electronic  
27 Certificate of Compliance No. MU744740 for the vehicle without properly testing and inspecting  
28 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

1           d.     Section 44059: Respondent No. 2 willfully made false entries for  
2 electronic Certificate of Compliance No. MU744740 by certifying that the vehicle had been  
3 inspected as required when, in fact, it had not.

4                           **THIRTIETH CAUSE FOR DISCIPLINE**

5                           **(Failure to Comply with Regulations Pursuant**  
6                           **to the Motor Vehicle Inspection Program)**

7           62.     Respondent No. 2's station license is subject to disciplinary action  
8 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
9 September 21, 2007, regarding the 1989 Ford Ranger, it failed to comply with provisions of  
10 California Code of Regulations, title 16, as follows:

11           a.     Section 3340.24, subdivision (c): Respondent No. 2 falsely or  
12 fraudulently issued electronic Certificate of Compliance No. MU744740 for the vehicle, in that  
13 the vehicle could not pass the visual portion of the smog inspection because the vehicle's TAC  
14 was missing.

15           b.     Section 3340.35, subdivision (c): Respondent No. 2 issued electronic  
16 Certificate of Compliance No. MU744740 for the vehicle even though the vehicle had not been  
17 inspected in accordance with section 3340.42.

18           c.     Section 3340.42: Respondent No. 2 failed to conduct the required smog  
19 tests on the vehicle in accordance with the Bureau's specifications.

20                           **THIRTY-FIRST CAUSE FOR DISCIPLINE**

21                           **(Dishonesty, Fraud or Deceit)**

22           63.     Respondent No. 2's station license is subject to disciplinary action  
23 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
24 September 21, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is  
25 injured by issuing electronic Certificate of Compliance No. MU744740 for the 1989 Ford Ranger  
26 without performing a bona fide inspection of the emission control devices and systems on the  
27 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
28 Motor Vehicle Inspection Program.

1                                   **THIRTY-SECOND CAUSE FOR DISCIPLINE**

2                                   **(Violations of the Motor Vehicle Inspection Program)**

3                   64.   Respondent Harrison has subjected his technician license to disciplinary  
4 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
5 September 21, 2007, regarding the 1989 Ford Ranger, he violated the following sections of that  
6 Code:

7                   a.    **Section 44012, subdivision (a):** Respondent Harrison failed to determine  
8 that all emission control devices and systems required by law were installed and functioning  
9 correctly in accordance with test procedures.

10                  b.    **Section 44012, subdivision (f):** Respondent Harrison failed to perform  
11 emission control tests on the vehicle in accordance with procedures prescribed by the department.

12                  c.    **Section 44032:** Respondent Harrison failed to perform tests of the  
13 emission control devices and systems on the vehicle in accordance with section 44012 of that  
14 Code.

15                  d.    **Section 44059:** Respondent entered false information for electronic  
16 Certificate of Compliance No. MU744740 by certifying that the vehicle had been inspected as  
17 required when, in fact, it had not.

18                                   **THIRTY-THIRD CAUSE FOR DISCIPLINE**

19                                   **(Failure to Comply with Regulations Pursuant**  
20                                   **to the Motor Vehicle Inspection Program)**

21                   65.   Respondent Harrison has subjected his technician license to disciplinary  
22 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
23 September 21, 2007, regarding the 1989 Ford Ranger, he violated the following sections of the  
24 California Code of Regulations, title 16:

25                   a.    **Section 3340.24, subdivision (c):** Respondent Harrison falsely or  
26 fraudulently issued electronic Certificate of Compliance No. MU744740 for the vehicle, in that  
27 the vehicle could not pass the visual portion of the smog inspection because the vehicle's TAC  
28 was missing.

1           b.     Section 3340.30, subdivision (a): Respondent Harrison failed to inspect  
2 and test the vehicle in accordance with Health and Safety Code section 44012.

3           c.     Section 3340.41, subdivision (c): Respondent Harrison entered false  
4 information into the EIS unit by entering "N/A" for the visual inspection of the TAC indicating  
5 that the system was not applicable when, in fact, the TAC system is applicable but was missing  
6 from the vehicle.

7           d.     Section 3340.42: Respondent Harrison failed to conduct the required  
8 smog tests on the vehicle in accordance with the Bureau's specifications.

9                   **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

10                   **(Dishonesty, Fraud or Deceit)**

11           66.    Respondent Harrison has subjected his technician license to disciplinary  
12 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
13 September 21, 2007, regarding the 1989 Ford Ranger, he committed acts involving dishonesty,  
14 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
15 MU744740 for that vehicle without performing a bona fide inspection of the emission control  
16 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18                   **UNDERCOVER OPERATION - SEPTEMBER 21, 2007**

19           67.    On September 21, 2007, a Bureau undercover operator using the alias  
20 Joseph Cook ("operator") drove a Bureau-documented 1998 Ford E-150, California License Plate  
21 No. 5R77178, to Respondent No. 2's facility for a smog inspection. The vehicle could not pass a  
22 smog inspection because the vehicle's positive crankcase ventilation ("PCV") system was  
23 missing. Respondent Harrison performed the smog inspection and issued electronic Certificate  
24 of Compliance No. MU744743, certifying that he had tested and inspected the 1998 Ford E-150  
25 and that the vehicle was in compliance with applicable laws and regulations. In fact, the vehicle  
26 could not have passed the visual portion of the smog inspection because the vehicle's PCV  
27 system was missing.

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1 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 68. Respondent No. 2's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(1), in that on or about September 21, 2007, it made or  
5 authorized statements which it knew or in the exercise of reasonable care it should have known  
6 to be untrue or misleading by issuing electronic Certificate of Compliance No. MU744743 for  
7 the 1998 Ford E-150, certifying that the vehicle was in compliance with applicable laws and  
8 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
9 because the vehicle's PCV system was missing.

10 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 69. Respondent No. 2's registration is subject to disciplinary action pursuant  
13 to Code section 9884.7, subdivision (a)(4), in that on or about September 21, 2007, it committed  
14 acts which constitute fraud by issuing electronic Certificate of Compliance No. MU744743 for  
15 the 1998 Ford E-150 without performing a bona fide inspection of the emission control devices  
16 and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations)**

20 70. Respondent is subject to discipline under Code section 9884.7, subdivision  
21 (a)(6), in that on or about September 21, 2007, Respondent failed to materially comply with  
22 California Code of Regulations, title 16, section 3356, subdivision (a)(1), by failing to set forth  
23 its business name as reflected on Bureau records.

24 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program)**

26 71. Respondent No. 2's station license is subject to disciplinary action  
27 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about

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1 September 21, 2007, regarding the 1998 Ford E-150, it failed to comply with the following  
2 sections of that Code:

- 3 a. Section 44012, subdivision (a): Respondent No. 2 failed to determine  
4 that all emission control devices and systems required by law were installed and functioning  
5 correctly in accordance with test procedures.
- 6 b. Section 44012, subdivision (f): Respondent No. 2 failed to perform  
7 emission control tests on the vehicle in accordance with procedures prescribed by the department.
- 8 c. Section 44015, subdivision (b): Respondent No. 2 issued electronic  
9 Certificate of Compliance No. MU744743 for the vehicle without properly testing and inspecting  
10 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.
- 11 d. Section 44059: Respondent No. 2 willfully made false entries for  
12 electronic Certificate of Compliance No. MU744743 by certifying that the vehicle had been  
13 inspected as required when, in fact, it had not.

14 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant  
16 to the Motor Vehicle Inspection Program)**

17 72. Respondent No. 2's station license is subject to disciplinary action  
18 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
19 September 21, 2007, regarding the 1998 Ford E-150, it failed to comply with provisions of  
20 California Code of Regulations, title 16, as follows:

- 21 a. Section 3340.24, subdivision (c): Respondent No. 2 falsely or  
22 fraudulently issued electronic Certificate of Compliance No. MU744743 for the vehicle, in that  
23 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
24 system was missing.
- 25 b. Section 3340.35, subdivision (c): Respondent No. 2 issued electronic  
26 Certificate of Compliance No. MU744743 for the vehicle even though the vehicle had not been  
27 inspected in accordance with section 3340.42.

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1 c. **Section 3340.42:** Respondent No. 2 failed to conduct the required smog  
2 tests on the vehicle in accordance with the Bureau's specifications.

3 **FORTIETH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit)**

5 73. Respondent No. 2's station license is subject to disciplinary action  
6 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
7 September 21, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is  
8 injured by issuing electronic Certificate of Compliance No. MU744743 for the 1998 Ford E-150  
9 without performing a bona fide inspection of the emission control devices and systems on the  
10 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
11 Motor Vehicle Inspection Program.

12 **FORTY-FIRST CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program)**

14 74. Respondent Harrison has subjected his technician license to disciplinary  
15 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
16 September 21, 2007, regarding the 1998 Ford E-150, he violated the following sections of that  
17 Code:

18 a. **Section 44012, subdivision (a):** Respondent Harrison failed to determine  
19 that all emission control devices and systems required by law were installed and functioning  
20 correctly in accordance with test procedures.

21 b. **Section 44012, subdivision (f):** Respondent Harrison failed to perform  
22 emission control tests on the vehicle in accordance with procedures prescribed by the department.

23 c. **Section 44032:** Respondent Harrison failed to perform tests of the  
24 emission control devices and systems on the vehicle in accordance with section 44012 of that  
25 Code.

26 d. **Section 44059:** Respondent entered false information for electronic  
27 Certificate of Compliance No. MU744743 by certifying that the vehicle had been inspected as  
28 required when, in fact, it had not.

1 **FORTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 75. Respondent Harrison has subjected his technician license to disciplinary  
5 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
6 September 21, 2007, regarding the 1998 Ford E-150, he violated the following sections of the  
7 California Code of Regulations, title 16:

8 a. **Section 3340.24, subdivision (c):** Respondent Harrison falsely or  
9 fraudulently issued electronic Certificate of Compliance No. MU744743 for the vehicle, in that  
10 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
11 system was missing.

12 b. **Section 3340.30, subdivision (a):** Respondent Harrison failed to inspect  
13 and test the vehicle in accordance with Health and Safety Code section 44012.

14 c. **Section 3340.41, subdivision (c):** Respondent Harrison entered false  
15 information into the EIS unit by entering "Pass" for the visual portion of the smog test when, in  
16 fact, the vehicle's PCV system was missing.

17 d. **Section 3340.42:** Respondent Harrison failed to conduct the required  
18 smog tests on the vehicle in accordance with the Bureau's specifications.

19 **FORTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 76. Respondent Harrison has subjected his technician license to disciplinary  
22 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
23 September 21, 2007, regarding the 1998 Ford E-150, he committed acts involving dishonesty,  
24 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
25 MU744743 for that vehicle without performing a bona fide inspection of the emission control  
26 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
27 protection afforded by the Motor Vehicle Inspection Program.

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1 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 80. Respondent No. 3's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(4), in that on or about October 24, 2007, it committed  
5 acts which constitute fraud by issuing electronic Certificate of Compliance No. MW137423 for  
6 the 1994 Toyota Camry without performing a bona fide inspection of the emission control  
7 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
8 protection afforded by the Motor Vehicle Inspection Program.

9 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Code)**

11 81. Respondent No. 3's registration is subject to disciplinary action pursuant to  
12 Code section 9884.7, subdivision (a)(6), in that on or about October 24, 2007, it failed to comply  
13 with Code section 9884.9, subdivision (a), by failing to provide the operator with a written  
14 estimated price for parts and labor for a specific job.

15 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 82. Respondent No. 3's station license is subject to disciplinary action  
18 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
19 October 24, 2007, regarding the 1994 Toyota Camry, it failed to comply with the following  
20 sections of that Code:

- 21 a. **Section 44012, subdivision (a):** Respondent No. 3 failed to determine  
22 that all emission control devices and systems required by law were installed and functioning  
23 correctly in accordance with test procedures.
- 24 b. **Section 44012, subdivision (f):** Respondent No. 3 failed to perform  
25 emission control tests on the vehicle in accordance with procedures prescribed by the department.
- 26 c. **Section 44015, subdivision (b):** Respondent No. 3 issued electronic  
27 Certificate of Compliance No. MW137423 for the vehicle without properly testing and  
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1 inspecting the vehicle to determine if it was in compliance with Health & Safety Code section  
2 44012.

3 d. **Section 44059:** Respondent No. 3 willfully made false entries for  
4 electronic Certificate of Compliance No. MW137423 by certifying that the vehicle had been  
5 inspected as required when, in fact, it had not.

6 **FORTY-NINTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant**  
8 **to the Motor Vehicle Inspection Program)**

9 83. Respondent No. 3's station license is subject to disciplinary action  
10 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
11 October 24, 2007, regarding the 1994 Toyota Camry, it failed to comply with provisions of  
12 California Code of Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent No. 3 falsely or  
14 fraudulently issued electronic Certificate of Compliance No. MW137423 for the vehicle, in that  
15 the vehicle could not pass the functional portion of the smog inspection because the vehicle's  
16 ignition timing was adjusted beyond the manufacturer's specification.

17 b. **Section 3340.35, subdivision (c):** Respondent No. 3 issued electronic  
18 Certificate of Compliance No. MW137423 for the vehicle even though the vehicle had not been  
19 inspected in accordance with section 3340.42.

20 c. **Section 3340.42:** Respondent No. 3 failed to conduct the required smog  
21 tests on the vehicle in accordance with the Bureau's specifications.

22 **FIFTIETH CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit)**

24 84. Respondent No. 3's station license is subject to disciplinary action  
25 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
26 October 24, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured  
27 by issuing electronic Certificate of Compliance No. MW137423 for the 1994 Toyota Camry  
28 without performing a bona fide inspection of the emission control devices and systems on the

1 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
2 Motor Vehicle Inspection Program.

3 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 85. Respondent Ordonez has subjected his technician license to disciplinary  
6 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
7 October 24, 2007, regarding the 1994 Toyota Camry, he violated the following sections of that  
8 Code:

9 a. **Section 44012, subdivision (a):** Respondent Ordonez failed to determine  
10 that all emission control devices and systems required by law were installed and functioning  
11 correctly in accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent Ordonez failed to perform  
13 emission control tests on the vehicle in accordance with procedures prescribed by the department.

14 c. **Section 44032:** Respondent Ordonez failed to perform tests of the  
15 emission control devices and systems on the vehicle in accordance with section 44012 of that  
16 Code.

17 d. **Section 44059:** Respondent willfully entered false information for  
18 electronic Certificate of Compliance No. MW137423 by certifying that the vehicle had been  
19 inspected as required when, in fact, it had not.

20 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations Pursuant  
22 to the Motor Vehicle Inspection Program)**

23 86. Respondent Ordonez has subjected his technician license to disciplinary  
24 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
25 October 24, 2007, regarding the 1994 Toyota Camry, he violated the following sections of the  
26 California Code of Regulations, title 16:

27 a. **Section 3340.24, subdivision (c):** Respondent Ordonez falsely or  
28 fraudulently issued electronic Certificate of Compliance No. MW137423 for the vehicle, in that

1 the vehicle could not pass the functional portion of the smog inspection because the vehicle's  
2 ignition timing was adjusted beyond the manufacturer's specification.

3 b. Section 3340.30, subdivision (a): Respondent Ordonez failed to inspect  
4 and test the vehicle in accordance with Health and Safety Code section 44012.

5 c. Section 3340.41, subdivision (c): Respondent Ordonez entered false  
6 information into the EIS unit by entering "Pass" for the ignition timing portion of the smog test  
7 when, in fact, the vehicle's ignition timing was adjusted beyond the manufacturer's specification.

8 d. Section 3340.42: Respondent Ordonez failed to conduct the required  
9 smog tests on the vehicle in accordance with the Bureau's specifications.

10 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 87. Respondent Ordonez has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
14 October 24, 2007, regarding the 1994 Toyota Camry, he committed acts involving dishonesty,  
15 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
16 MW137423 for that vehicle without performing a bona fide inspection of the emission control  
17 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
18 protection afforded by the Motor Vehicle Inspection Program.

19 **UNDERCOVER OPERATION - OCTOBER 31, 2007**

20 88. On October 31, 2007, a Bureau undercover operator using the alias  
21 Robert ("operator") drove a Bureau-documented 1992 Toyota, California License Plate No.  
22 4S12688, to Respondent No. 3's facility for a smog inspection. The vehicle could not pass a  
23 smog inspection because the vehicle's air suction ("AS") system was missing. The operator  
24 filled out and signed a work order but was not provided with a copy of the document.  
25 Respondent Ordonez performed the smog inspection and issued electronic Certificate of  
26 Compliance No. MW137444, certifying that he had tested and inspected the 1992 Toyota and  
27 that the vehicle was in compliance with applicable laws and regulations. In fact, the vehicle

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1 could not have passed the visual portion of the smog inspection because the vehicle's AS system  
2 was missing.

3 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 89. Respondent No. 3's registration is subject to disciplinary action pursuant  
6 to Code section 9884.7, subdivision (a)(1), in that on or about October 31, 2007, it made or  
7 authorized statements which it knew or in the exercise of reasonable care it should have known  
8 to be untrue or misleading by issuing electronic Certificate of Compliance No. MW137444 for  
9 the 1992 Toyota, certifying that the vehicle was in compliance with applicable laws and  
10 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
11 because the vehicle's AS system was missing.

12 **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

13 **(Failure to Provide Copy of Document )**

14 90. Respondent No. 3's registration is subject to disciplinary action pursuant  
15 to Code section 9884.7, subdivision (a)(3), in that on or about October 31, 2007, it failed to  
16 provide the operator with a copy of the work order as soon as he signed the document.

17 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 91. Respondent No. 3's registration is subject to disciplinary action pursuant  
20 to Code section 9884.7, subdivision (a)(4), in that on or about October 31, 2007, it committed  
21 acts which constitute fraud by issuing electronic Certificate of Compliance No. MW137444 for  
22 the 1992 Toyota without performing a bona fide inspection of the emission control devices and  
23 systems on the vehicle, thereby depriving the People of the State of California of the protection  
24 afforded by the Motor Vehicle Inspection Program.

25 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Code)**

27 92. Respondent No. 3's registration is subject to disciplinary action pursuant to  
28 Code section 9884.7, subdivision (a)(6), in that on or about October 31, 2007, it failed to comply

1 with Code section 9884.9, subdivision (a), by failing to provide the operator with a written  
2 estimated price for parts and labor for a specific job.

3 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 93. Respondent No. 3's station license is subject to disciplinary action  
6 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
7 October 31, 2007, regarding the 1992 Toyota, it failed to comply with the following sections of  
8 that Code:

9 a. **Section 44012, subdivision (a):** Respondent No. 3 failed to determine  
10 that all emission control devices and systems required by law were installed and functioning  
11 correctly in accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent No. 3 failed to perform  
13 emission control tests on the vehicle in accordance with procedures prescribed by the department.

14 c. **Section 44015, subdivision (b):** Respondent No. 3 issued electronic  
15 Certificate of Compliance No. MW137444 for the vehicle without properly testing and  
16 inspecting the vehicle to determine if it was in compliance with Health & Safety Code section  
17 44012.

18 d. **Section 44059:** Respondent No. 3 willfully made false entries for  
19 electronic Certificate of Compliance No. MW137444 by certifying that the vehicle had been  
20 inspected as required when, in fact, it had not.

21 **FIFTY-NINTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations Pursuant  
23 to the Motor Vehicle Inspection Program)**

24 94. Respondent No. 3's station license is subject to disciplinary action  
25 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
26 October 31, 2007, regarding the 1992 Toyota, it failed to comply with provisions of California  
27 Code of Regulations, title 16, as follows:

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1 a. **Section 3340.24, subdivision (c):** Respondent No. 3 falsely or  
2 fraudulently issued electronic Certificate of Compliance No. MW137444 for the vehicle, in that  
3 the vehicle could not pass the visual portion of the smog inspection because the vehicle's AS  
4 system was missing.

5 b. **Section 3340.35, subdivision (c):** Respondent No. 3 issued electronic  
6 Certificate of Compliance No. MW137444 for the vehicle even though the vehicle had not been  
7 inspected in accordance with section 3340.42.

8 c. **Section 3340.42:** Respondent No. 3 failed to conduct the required smog  
9 tests on the vehicle in accordance with the Bureau's specifications.

10 **SIXTIETH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 95. Respondent No. 3's station license is subject to disciplinary action  
13 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
14 October 31, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured  
15 by issuing electronic Certificate of Compliance No. MW137444 for the 1992 Toyota without  
16 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
17 thereby depriving the People of the State of California of the protection afforded by the Motor  
18 Vehicle Inspection Program.

19 **SIXTY-FIRST CAUSE FOR DISCIPLINE**

20 **(Violations of the Motor Vehicle Inspection Program)**

21 96. Respondent Ordonez has subjected his technician license to disciplinary  
22 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
23 October 31, 2007, regarding the 1992 Toyota, he violated the following sections of that Code:

24 a. **Section 44012, subdivision (a):** Respondent Ordonez failed to determine  
25 that all emission control devices and systems required by law were installed and functioning  
26 correctly in accordance with test procedures.

27 b. **Section 44012, subdivision (f):** Respondent Ordonez failed to perform  
28 emission control tests on the vehicle in accordance with procedures prescribed by the department.



1 c. **Section 44032:** Respondent Ordonez failed to perform tests of the  
2 emission control devices and systems on the vehicle in accordance with section 44012 of that  
3 Code.

4 d. **Section 44059:** Respondent Ordonez entered false information for  
5 electronic Certificate of Compliance No. MW137444 by certifying that the vehicle had been  
6 inspected as required when, in fact, it had not.

7 **SIXTY-SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations Pursuant**  
9 **to the Motor Vehicle Inspection Program)**

10 97. Respondent Ordonez has subjected his technician license to disciplinary  
11 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
12 October 31, 2007, regarding the 1992 Toyota, he violated the following sections of the California  
13 Code of Regulations, title 16:

14 a. **Section 3340.24, subdivision (c):** Respondent Ordonez falsely or  
15 fraudulently issued electronic Certificate of Compliance No. MW137444 for the vehicle, in that  
16 the vehicle could not pass the visual portion of the smog inspection because the vehicle's AS  
17 system was missing.

18 b. **Section 3340.30, subdivision (a):** Respondent Ordonez failed to inspect  
19 and test the vehicle in accordance with Health and Safety Code section 44012.

20 c. **Section 3340.41, subdivision (c):** Respondent Ordonez entered false  
21 information into the EIS unit by entering "Pass" for the visual portion of the smog inspection  
22 when, in fact, the vehicle could not pass the visual portion of the inspection because the vehicle's  
23 AS system was missing.

24 d. **Section 3340.42:** Respondent Ordonez failed to conduct the required  
25 smog tests on the vehicle in accordance with the Bureau's specifications.

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1 **SIXTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 98. Respondent Ordonez has subjected his technician license to disciplinary  
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
5 October 31, 2007, regarding the 1992 Toyota, he committed acts involving dishonesty, fraud or  
6 deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
7 MW137444 for that vehicle without performing a bona fide inspection of the emission control  
8 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
9 protection afforded by the Motor Vehicle Inspection Program.

10 **UNDERCOVER OPERATION - NOVEMBER 5, 2007**

11 99. On November 5, 2007, a Bureau undercover operator using the alias  
12 Robert ("operator") drove a Bureau-documented 1995 Chevrolet Astro Van, California License  
13 Plate No. 3NUD802, to Respondent No. 3's facility for a smog inspection. The vehicle could not  
14 pass a smog inspection because the vehicle's positive crankcase ventilation ("PCV") system was  
15 missing. The operator filled out and signed a work order but was not provided with a copy of the  
16 document. Respondent Ordonez performed the smog inspection and issued electronic Certificate  
17 of Compliance No. MW279311, certifying that he had tested and inspected the 1995 Chevrolet  
18 Astro Van and that the vehicle was in compliance with applicable laws and  
19 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
20 because the vehicle's PCV system was missing.

21 **SIXTY-FOURTH CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 100. Respondent No. 3's registration is subject to disciplinary action pursuant  
24 to Code section 9884.7, subdivision (a)(1), in that on or about November 5, 2007, it made or  
25 authorized statements which it knew or in the exercise of reasonable care it should have known  
26 to be untrue or misleading by issuing electronic Certificate of Compliance No. MW279311 for  
27 the 1995 Chevrolet Astro Van, certifying that the vehicle was in compliance with applicable laws

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1 and regulations. In fact, the vehicle could not have passed the visual portion of the smog  
2 inspection because the vehicle's PCV system was missing.

3 **SIXTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Copy of Document)**

5 101. Respondent No. 3's registration is subject to disciplinary action pursuant  
6 to Code section 9884.7, subdivision (a)(3), in that on or about November 5, 2007, it failed to  
7 provide the operator with a copy of the work order as soon as he signed the document.

8 **SIXTY-SIXTH CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 102. Respondent No. 3's registration is subject to disciplinary action pursuant  
11 to Code section 9884.7, subdivision (a)(4), in that on or about November 5, 2007, it committed  
12 acts which constitute fraud by issuing electronic Certificate of Compliance No. MW279311 for  
13 the 1995 Chevrolet Astro Van without performing a bona fide inspection of the emission control  
14 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
15 protection afforded by the Motor Vehicle Inspection Program.

16 **SIXTY-SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Code)**

18 103. Respondent No. 3's registration is subject to disciplinary action pursuant to  
19 Code section 9884.7, subdivision (a)(6), in that on or about November 5, 2007, it failed to  
20 comply with Code section 9884.9, subdivision (a), by failing to provide the operator with a  
21 written estimated price for parts and labor for a specific job.

22 **SIXTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Violations of the Motor Vehicle Inspection Program)**

24 104. Respondent No. 3's station license is subject to disciplinary action  
25 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
26 November 5, 2007, regarding the 1995 Chevrolet Astro Van, it failed to comply with the  
27 following sections of that Code:

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1 a. Section 44012, subdivision (a): Respondent No. 3 failed to determine  
2 that all emission control devices and systems required by law were installed and functioning  
3 correctly in accordance with test procedures.

4 b. Section 44012, subdivision (f): Respondent No. 3 failed to perform  
5 emission control tests on the vehicle in accordance with procedures prescribed by the department.

6 c. Section 44015, subdivision (b): Respondent No. 3 issued electronic  
7 Certificate of Compliance No. MW279311 for the vehicle without properly testing and  
8 inspecting the vehicle to determine if it was in compliance with Health & Safety Code section  
9 44012.

10 d. Section 44059: Respondent No. 3 willfully made false entries for  
11 electronic Certificate of Compliance No. MW279311 by certifying that the vehicle had been  
12 inspected as required when, in fact, it had not.

13 **SIXTY-NINTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant  
15 to the Motor Vehicle Inspection Program)**

16 105. Respondent No. 3's station license is subject to disciplinary action  
17 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
18 November 5, 2007, regarding the 1995 Chevrolet Astro Van, it failed to comply with provisions  
19 of California Code of Regulations, title 16, as follows:

20 a. Section 3340.24, subdivision (c): Respondent No. 3 falsely or  
21 fraudulently issued electronic Certificate of Compliance No. MW279311 for the vehicle, in that  
22 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
23 system was missing.

24 b. Section 3340.35, subdivision (c): Respondent No. 3 issued electronic  
25 Certificate of Compliance No. MW279311 for the vehicle even though the vehicle had not been  
26 inspected in accordance with section 3340.42.

27 c. Section 3340.42: Respondent No. 3 failed to conduct the required smog  
28 tests on the vehicle in accordance with the Bureau's specifications.

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1                                   **SEVENTY-SECOND CAUSE FOR DISCIPLINE**

2                                   **(Failure to Comply with Regulations Pursuant**  
3                                   **to the Motor Vehicle Inspection Program)**

4                   108.   Respondent Ordonez has subjected his technician license to disciplinary  
5   action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
6   November 5, 2007, regarding the 1995 Chevrolet Astro Van, he violated the following sections  
7   of the California Code of Regulations, title 16:

8                   a.       **Section 3340.24, subdivision (c):** Respondent Ordonez falsely or  
9   fraudulently issued electronic Certificate of Compliance No. MW279311 for the vehicle, in that  
10   the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
11   system was missing.

12                  b.       **Section 3340.30, subdivision (a):** Respondent Ordonez failed to inspect  
13   and test the vehicle in accordance with Health and Safety Code section 44012.

14                  c.       **Section 3340.41, subdivision (c):** Respondent Ordonez entered false  
15   information into the EIS unit by entering "Pass" for the PCV system when, in fact, the vehicle's  
16   PCV system was missing.

17                  d.       **Section 3340.42:** Respondent Ordonez failed to conduct the required  
18   smog tests on the vehicle in accordance with the Bureau's specifications.

19                               **SEVENTY-THIRD CAUSE FOR DISCIPLINE**

20                               **(Dishonesty, Fraud or Deceit)**

21                  109.   Respondent Ordonez has subjected his technician license to disciplinary  
22   action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
23   November 5, 2007, regarding the 1995 Chevrolet Astro Van, he committed acts involving  
24   dishonesty, fraud or deceit whereby another was injured by issuing electronic Certificate of  
25   Compliance No. MW279311 for that vehicle without performing a bona fide inspection of the  
26   emission control devices and systems on the vehicle, thereby depriving the People of the State of  
27   California of the protection afforded by the Motor Vehicle Inspection Program.

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1                                   **SEVENTY-FIFTH CAUSE FOR DISCIPLINE**

2                                   **(Violations of the Motor Vehicle Inspection Program)**

3                   112.   Respondent No. 4's station license is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
5 June 26, 2007, regarding the 1992 Toyota, it failed to comply with the following sections of that  
6 Code:

7                   a.       **Section 44012, subdivision (a):** Respondent No. 4 failed to determine  
8 that all emission control devices and systems required by law were installed and functioning  
9 correctly in accordance with test procedures.

10                  b.       **Section 44012, subdivision (f):** Respondent No. 4 failed to perform  
11 emission control tests on the vehicle in accordance with procedures prescribed by the department.

12                  c.       **Section 44059:**

13                       i.       Respondent No. 4 willfully made false entries for the VIR by  
14 indicating the vehicle passed the visual inspection when, in fact, the vehicle could not have  
15 passed the visual inspection because the vehicle's AS system was missing.

16                       ii.      Respondent No. 4 willfully made false entries for the VIR by  
17 indicating the vehicle failed the functional portion of the inspection due to the vehicle's ignition  
18 timing when, in fact, the vehicle's ignition timing was within the manufacturer's specifications.

19                                   **SEVENTY-SIXTH CAUSE FOR DISCIPLINE**

20                                   **(Failure to Comply with Regulations Pursuant**  
21                                   **to the Motor Vehicle Inspection Program)**

22                   113.   Respondent No. 4's station license is subject to disciplinary action  
23 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
24 June 26, 2007, regarding the 1992 Toyota, it failed to comply with provisions of California Code  
25 of Regulations, title 16, section 3340.42 by failing to conduct the required smog tests on the  
26 vehicle in accordance with the Bureau's specifications.

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1 **SEVENTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 114. Respondent No. 4's station license is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
5 June 26, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured,  
6 thereby depriving the People of the State of California of the protection afforded by the Motor  
7 Vehicle Inspection Program, as follows:

8 a. Respondent No. 4 created a VIR that was false and misleading, in that the  
9 VIR provided that the vehicle passed the visual inspection when, in fact, the vehicle could not  
10 have passed the visual inspection because the vehicle's AS system was missing.

11 b. Respondent No. 4 created a VIR that was false and misleading, in that the  
12 VIR provided that the vehicle failed the functional inspection due to the vehicle's ignition timing  
13 when, in fact, the vehicle's ignition timing was within the manufacturer's specifications.

14 **SEVENTY-EIGHTH CAUSE FOR DISCIPLINE**

15 **(Violations of the Motor Vehicle Inspection Program)**

16 115. Respondent Schaub has subjected his technician license to disciplinary  
17 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
18 June 26, 2007, regarding the 1992 Toyota, he violated the following sections of that Code:

19 a. **Section 44012, subdivision (a):** Respondent Schaub failed to determine  
20 that all emission control devices and systems required by law were installed and functioning  
21 correctly in accordance with test procedures.

22 b. **Section 44012, subdivision (f):** Respondent Schaub failed to perform  
23 emission control tests on the vehicle in accordance with procedures prescribed by the department.

24 c. **Section 44032:** Respondent Schaub failed to perform tests of the  
25 emission control devices and systems on the vehicle in accordance with section 44012 of that  
26 Code.

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1                   d.     Section 44059:

2                   i.     Respondent Schaub willfully made false entries for the VIR by  
3 indicating the vehicle passed the visual inspection when, in fact, the vehicle could not have  
4 passed the visual inspection because the vehicle's AS system was missing.

5                   ii.    Respondent Schaub willfully made false entries for the VIR by  
6 indicating the vehicle failed the functional portion of the inspection due to the vehicle's ignition  
7 timing when, in fact, the vehicle's ignition timing was within the manufacturer's specifications.

8                             SEVENTY-NINTH CAUSE FOR DISCIPLINE

9                             (Failure to Comply with Regulations Pursuant  
10                            to the Motor Vehicle Inspection Program)

11                   116.   Respondent Schaub has subjected his technician license to disciplinary  
12 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
13 June 26, 2007, regarding the 1992 Toyota, he violated the following sections of the California  
14 Code of Regulations, title 16:

15                   a.     Section 3340.30, subdivision (a): Respondent Schaub failed to inspect  
16 and test the vehicle in accordance with Health and Safety Code section 44012.

17                   b.     Section 3340.41, subdivision (c):

18                   i.     Respondent Schaub entered false information into the EIS unit by  
19 entering "Pass" for the visual portion of the smog test when, in fact, the vehicle's AS system was  
20 missing.

21                   ii.    Respondent Schaub entered false information into the EIS unit by  
22 entering "Fail" for the function portion of the smog test due to the vehicle's ignition timing  
23 when, in fact, the vehicle's ignition timing was within the manufacturer's specifications.

24                   c.     Section 3340.42: Respondent Schaub failed to conduct the required smog  
25 tests on the vehicle in accordance with the Bureau's specifications.

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1 **EIGHTIETH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 117. Respondent Schaub has subjected his technician license to disciplinary  
4 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
5 June 26, 2007, regarding the 1992 Toyota, he committed acts involving dishonesty, fraud or  
6 deceit whereby another was injured, thereby depriving the People of the State of California of the  
7 protection afforded by the Motor Vehicle Inspection Program, as follows:

8 a. Respondent Schaub created a VIR that was false and misleading, in that  
9 the VIR provided that the vehicle passed the visual inspection when, in fact, the vehicle could not  
10 have passed the visual inspection because the vehicle's AS system was missing.

11 b. Respondent Schaub created a VIR that was false and misleading, in that  
12 the VIR provided that the vehicle failed the functional inspection due to the vehicle's ignition  
13 timing when, in fact, the vehicle's ignition timing was within the manufacturer's specifications.

14 **UNDERCOVER OPERATION - JUNE 27, 2007**

15 118. On June 27, 2007, a Bureau undercover operator using the alias  
16 Bob Strom ("operator") drove a Bureau-documented 1995 Chevrolet Astro Van, California  
17 License Plate No. 3NUD802, to Respondent No. 4's facility for a smog inspection. The vehicle  
18 could not pass a smog inspection because the vehicle's PCV system was missing. Respondent  
19 Topcu performed the smog inspection and issued electronic Certificate of Compliance No.  
20 MS578192, certifying that he had tested and inspected the 1995 Chevrolet Astro Van and that the  
21 vehicle was in compliance with applicable laws and regulations. In fact, the vehicle could not  
22 have passed the visual portion of the smog inspection because the vehicle's PCV system was  
23 missing.

24 **EIGHTY-FIRST CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 119. Respondent No. 4's registration is subject to disciplinary action pursuant  
27 to Code section 9884.7, subdivision (a)(1), in that on or about June 27, 2007, it made or  
28 authorized statements which it knew or in the exercise of reasonable care it should have known

1 to be untrue or misleading by issuing electronic Certificate of Compliance No. MS578192 for the  
2 1995 Chevrolet Astro Van, certifying that the vehicle was in compliance with applicable laws  
3 and regulations. In fact, the vehicle could not have passed the visual portion of the smog  
4 inspection because the vehicle's PCV system was missing.

5 **EIGHTY-SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 120. Respondent No. 4's registration is subject to disciplinary action pursuant  
8 to Code section 9884.7, subdivision (a)(4), in that on or about June 27, 2007, it committed acts  
9 which constitute fraud by issuing electronic Certificate of Compliance No. MS578192 for the  
10 1995 Chevrolet Astro Van without performing a bona fide inspection of the emission control  
11 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
12 protection afforded by the Motor Vehicle Inspection Program.

13 **EIGHTY-THIRD CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program)**

15 121. Respondent No. 4's station license is subject to disciplinary action  
16 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
17 June 27, 2007, regarding the 1995 Chevrolet Astro Van, it failed to comply with the following  
18 sections of that Code:

- 19 a. **Section 44012, subdivision (a):** Respondent No. 4 failed to determine  
20 that all emission control devices and systems required by law were installed and functioning  
21 correctly in accordance with test procedures.
- 22 b. **Section 44012, subdivision (f):** Respondent No. 4 failed to perform  
23 emission control tests on the vehicle in accordance with procedures prescribed by the department.
- 24 c. **Section 44015, subdivision (b):** Respondent No. 4 issued electronic  
25 Certificate of Compliance No. MS578192 for the vehicle without properly testing and inspecting  
26 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

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1 d. **Section 44059:** Respondent No. 4 willfully made false entries for  
2 electronic Certificate of Compliance No. MS578192 by certifying that the vehicle had been  
3 inspected as required when, in fact, it had not.

4 **EIGHTY-FOURTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant  
6 to the Motor Vehicle Inspection Program)**

7 122. Respondent No. 4's station license is subject to disciplinary action  
8 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
9 June 27, 2007, regarding the 1995 Chevrolet Astro Van, it failed to comply with provisions of  
10 California Code of Regulations, title 16, as follows:

11 a. **Section 3340.24, subdivision (c):** Respondent No. 4 falsely or  
12 fraudulently issued electronic Certificate of Compliance No. MS578192 for the vehicle, in that  
13 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
14 system was missing.

15 b. **Section 3340.35, subdivision (c):** Respondent No. 4 issued electronic  
16 Certificate of Compliance No. MS578192 for the vehicle even though the vehicle had not been  
17 inspected in accordance with section 3340.42.

18 c. **Section 3340.42:** Respondent No. 4 failed to conduct the required smog  
19 tests on the vehicle in accordance with the Bureau's specifications.

20 **EIGHTY-FIFTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 123. Respondent No. 4's station license is subject to disciplinary action  
23 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
24 June 27, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured by  
25 issuing electronic Certificate of Compliance No. MS578192 for the 1995 Chevrolet Astro Van  
26 without performing a bona fide inspection of the emission control devices and systems on the  
27 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
28 Motor Vehicle Inspection Program.

1 **EIGHTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 124. Respondent Topcu has subjected his technician license to disciplinary  
4 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
5 June 27, 2007, regarding the 1995 Chevrolet Astro Van, he violated the following sections of that  
6 Code:

7 a. **Section 44012, subdivision (a):** Respondent Topcu failed to determine  
8 that all emission control devices and systems required by law were installed and functioning  
9 correctly in accordance with test procedures.

10 b. **Section 44012, subdivision (f):** Respondent Topcu failed to perform  
11 emission control tests on the vehicle in accordance with procedures prescribed by the department.

12 c. **Section 44032:** Respondent Topcu failed to perform tests of the emission  
13 control devices and systems on the vehicle in accordance with section 44012 of that Code.

14 d. **Section 44059:** Respondent Topcu entered false information for  
15 electronic Certificate of Compliance No. MS578192 by certifying that the vehicle had been  
16 inspected as required when, in fact, it had not.

17 **EIGHTY-SEVENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant**  
19 **to the Motor Vehicle Inspection Program)**

20 125. Respondent Topcu has subjected his technician license to disciplinary  
21 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
22 June 27, 2007, regarding the 1995 Chevrolet Astro Van, he violated the following sections of the  
23 California Code of Regulations, title 16:

24 a. **Section 3340.24, subdivision (c):** Respondent Topcu falsely or  
25 fraudulently issued electronic Certificate of Compliance No. MS578192 for the vehicle, in that  
26 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
27 system was missing.

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1           b.     Section 3340.30, subdivision (a): Respondent Topcu failed to inspect  
2 and test the vehicle in accordance with Health and Safety Code section 44012.

3           c.     Section 3340.41, subdivision (c): Respondent Topcu entered false  
4 information into the EIS unit by entering "Pass" for the PCV system when, in fact, the vehicle's  
5 PCV system was missing.

6           d.     Section 3340.42: Respondent Topcu failed to conduct the required smog  
7 tests on the vehicle in accordance with the Bureau's specifications.

8                     **EIGHTY-EIGHTH CAUSE FOR DISCIPLINE**

9                             **(Dishonesty, Fraud or Deceit)**

10           126. Respondent Topcu has subjected his technician license to disciplinary  
11 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
12 June 27, 2007, regarding the 1995 Chevrolet Astro Van, he committed acts involving dishonesty,  
13 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
14 MS578192 for that vehicle without performing a bona fide inspection of the emission control  
15 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
16 protection afforded by the Motor Vehicle Inspection Program.

17                     **UNDERCOVER OPERATION - JULY 26, 2007**

18           127. On July 26, 2007, a Bureau undercover operator using the alias  
19 Bob Strom ("operator") drove a Bureau-documented 1996 Ford Explorer, California License  
20 Plate No. 3PZE600, to Respondent No. 4's facility for a smog inspection. The vehicle could not  
21 pass a smog inspection because the vehicle's PCV system was missing. Respondent Phelps  
22 performed the smog inspection and issued electronic Certificate of Compliance No. MS960291,  
23 certifying that he had tested and inspected the 1996 Ford Explorer and that the vehicle was in  
24 compliance with applicable laws and regulations. In fact, the vehicle could not have passed the  
25 visual portion of the smog inspection because the vehicle's PCV system was missing.

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1 **EIGHTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 128. Respondent No. 4's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(1), in that on or about July 26, 2007, it made or  
5 authorized statements which it knew or in the exercise of reasonable care it should have known  
6 to be untrue or misleading by issuing electronic Certificate of Compliance No. MS960291 for the  
7 1996 Ford Explorer, certifying that the vehicle was in compliance with applicable laws and  
8 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
9 because the vehicle's PCV system was missing.

10 **NINETIETH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 129. Respondent No. 4's registration is subject to disciplinary action pursuant  
13 to Code section 9884.7, subdivision (a)(4), in that on or about July 26, 2007, it committed acts  
14 which constitute fraud by issuing electronic Certificate of Compliance No. MS960291 for the  
15 1996 Ford Explorer without performing a bona fide inspection of the emission control devices  
16 and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18 **NINETY-FIRST CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program)**

20 130. Respondent No. 4's station license is subject to disciplinary action  
21 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
22 July 26, 2007, regarding the 1996 Ford Explorer, it failed to comply with the following sections  
23 of that Code:

- 24 a. **Section 44012, subdivision (a):** Respondent No. 4 failed to determine  
25 that all emission control devices and systems required by law were installed and functioning  
26 correctly in accordance with test procedures.
- 27 b. **Section 44012, subdivision (f):** Respondent No. 4 failed to perform  
28 emission control tests on the vehicle in accordance with procedures prescribed by the department.



1 c. **Section 44015, subdivision (b):** Respondent No. 4 issued electronic  
2 Certificate of Compliance No. MS960291 for the vehicle without properly testing and inspecting  
3 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

4 d. **Section 44059:** Respondent No. 4 willfully made false entries for  
5 electronic Certificate of Compliance No. MS960291 by certifying that the vehicle had been  
6 inspected as required when, in fact, it had not.

7 **NINETY-SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations Pursuant**  
9 **to the Motor Vehicle Inspection Program)**

10 131. Respondent No. 4's station license is subject to disciplinary action  
11 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
12 July 26, 2007, regarding the 1996 Ford Explorer, it failed to comply with provisions of California  
13 Code of Regulations, title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent No. 4 falsely or  
15 fraudulently issued electronic Certificate of Compliance No. MS960291 for the vehicle, in that  
16 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
17 system was missing.

18 b. **Section 3340.35, subdivision (c):** Respondent No. 4 issued electronic  
19 Certificate of Compliance No. MS960291 for the vehicle even though the vehicle had not been  
20 inspected in accordance with section 3340.42.

21 c. **Section 3340.42:** Respondent No. 4 failed to conduct the required smog  
22 tests on the vehicle in accordance with the Bureau's specifications.

23 **NINETY-THIRD CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit)**

25 132. Respondent No. 4's station license is subject to disciplinary action  
26 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
27 July 26, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured by  
28 issuing electronic Certificate of Compliance No. MS960291 for the 1996 Ford Explorer without

1 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
2 thereby depriving the People of the State of California of the protection afforded by the Motor  
3 Vehicle Inspection Program.

4 **NINETY-FOURTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program)**

6 133. Respondent Phelps has subjected his technician license to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
8 July 26, 2007, regarding the 1996 Ford Explorer, he violated the following sections of that Code:

9 a. **Section 44012, subdivision (a):** Respondent Phelps failed to determine  
10 that all emission control devices and systems required by law were installed and functioning  
11 correctly in accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent Phelps failed to perform  
13 emission control tests on the vehicle in accordance with procedures prescribed by the department.

14 c. **Section 44032:** Respondent Phelps failed to perform tests of the emission  
15 control devices and systems on the vehicle in accordance with section 44012 of that Code.

16 d. **Section 44059:** Respondent Phelps willfully made false entries for  
17 electronic Certificate of Compliance No. MS960291 by certifying that the vehicle had been  
18 inspected as required when, in fact, it had not.

19 **NINETY-FIFTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant  
21 to the Motor Vehicle Inspection Program)**

22 134. Respondent Phelps has subjected his technician license to disciplinary  
23 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
24 July 26, 2007, regarding the 1996 Ford Explorer, he violated the following sections of the  
25 California Code of Regulations, title 16:

26 a. **Section 3340.24, subdivision (c):** Respondent Phelps falsely or  
27 fraudulently issued electronic Certificate of Compliance No. MS960291 for the vehicle, in that

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1 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
2 system was missing.

3 b. Section 3340.30, subdivision (a): Respondent Phelps failed to inspect  
4 and test the vehicle in accordance with Health and Safety Code section 44012.

5 c. Section 3340.41, subdivision (c): Respondent Phelps entered false  
6 information into the EIS unit by entering "Pass" for the PCV system when, in fact, the vehicle's  
7 PCV system was missing.

8 d. Section 3340.42: Respondent Phelps failed to conduct the required smog  
9 tests on the vehicle in accordance with the Bureau's specifications.

10 **NINETY-SIXTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 135. Respondent Phelps has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
14 July 26, 2007, regarding the 1996 Ford Explorer, he committed acts involving dishonesty, fraud  
15 or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
16 MS960291 for that vehicle without performing a bona fide inspection of the emission control  
17 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
18 protection afforded by the Motor Vehicle Inspection Program.

19 **RESPONDENT NO. 5**

20 **UNDERCOVER OPERATION - JULY 27, 2007**

21 136. On July 27, 2007, a Bureau undercover operator using the alias  
22 Bob Strom ("operator") drove a Bureau-documented 1996 Ford Explorer, California License  
23 Plate No. 3PZE600, to Respondent No. 5's facility for a smog inspection. The vehicle could not  
24 pass a smog inspection because the vehicle's PCV system was missing. Respondent Topcu  
25 performed the smog inspection and issued electronic Certificate of Compliance No. MU037023,  
26 certifying that he had tested and inspected the 1996 Ford Explorer and that the vehicle was in  
27 compliance with applicable laws and regulations. In fact, the vehicle could not have passed the  
28 visual portion of the smog inspection because the vehicle's PCV system was missing.

1 **NINETY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 137. Respondent No. 5's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(1), in that on or about July 27, 2007, it made or  
5 authorized statements which it knew or in the exercise of reasonable care it should have known  
6 to be untrue or misleading by issuing electronic Certificate of Compliance No. MU037023 for  
7 the 1996 Ford Explorer, certifying that the vehicle was in compliance with applicable laws and  
8 regulations. In fact, the vehicle could not have passed the visual portion of the smog inspection  
9 because the vehicle's PCV system was missing.

10 **NINETY-EIGHTH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 138. Respondent No. 5's registration is subject to disciplinary action pursuant  
13 to Code section 9884.7, subdivision (a)(4), in that on or about July 27, 2007, it committed acts  
14 which constitute fraud by issuing electronic Certificate of Compliance No. MU037023 for the  
15 1996 Ford Explorer without performing a bona fide inspection of the emission control devices  
16 and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18 **NINETY-NINTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program)**

20 139. Respondent No. 5's station license is subject to disciplinary action  
21 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
22 July 27, 2007, regarding the 1996 Ford Explorer, it failed to comply with the following sections  
23 of that Code:

- 24 a. **Section 44012, subdivision (a):** Respondent No. 5 failed to determine  
25 that all emission control devices and systems required by law were installed and functioning  
26 correctly in accordance with test procedures.
- 27 b. **Section 44012, subdivision (f):** Respondent No. 5 failed to perform  
28 emission control tests on the vehicle in accordance with procedures prescribed by the department.

1 c. **Section 44015, subdivision (b):** Respondent No. 5 issued electronic  
2 Certificate of Compliance No. MU037023 for the vehicle without properly testing and inspecting  
3 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

4 d. **Section 44059:** Respondent No. 5 willfully made false entries for  
5 electronic Certificate of Compliance No. MU037023 by certifying that the vehicle had been  
6 inspected as required when, in fact, it had not.

7 **ONE HUNDREDTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations Pursuant**  
9 **to the Motor Vehicle Inspection Program)**

10 140. Respondent No. 5's station license is subject to disciplinary action  
11 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
12 July 27, 2007, regarding the 1996 Ford Explorer, it failed to comply with provisions of California  
13 Code of Regulations, title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent No. 5 falsely or  
15 fraudulently issued electronic Certificate of Compliance No. MU037023 for the vehicle, in that  
16 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
17 system was missing.

18 b. **Section 3340.35, subdivision (c):** Respondent No. 5 issued electronic  
19 Certificate of Compliance No. MU037023 for the vehicle even though the vehicle had not been  
20 inspected in accordance with section 3340.42.

21 c. **Section 3340.42:** Respondent No. 5 failed to conduct the required smog  
22 tests on the vehicle in accordance with the Bureau's specifications.

23 **ONE HUNDRED FIRST CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit)**

25 141. Respondent No. 5's station license is subject to disciplinary action  
26 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
27 July 27, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured by  
28 issuing electronic Certificate of Compliance No. MU037023 for the 1996 Ford Explorer without

1 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
2 thereby depriving the People of the State of California of the protection afforded by the Motor  
3 Vehicle Inspection Program.

4 **ONE HUNDRED SECOND CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program)**

6 142. Respondent Topcu has subjected his technician license to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
8 July 27, 2007, regarding the 1996 Ford Explorer, he violated the following sections of that Code:

9 a. **Section 44012, subdivision (a):** Respondent Topcu failed to determine  
10 that all emission control devices and systems required by law were installed and functioning  
11 correctly in accordance with test procedures.

12 b. **Section 44012, subdivision (d):** Respondent Topcu failed to perform  
13 emission control tests on the vehicle in accordance with procedures prescribed by the department.

14 c. **Section 44032:** Respondent Topcu failed to perform tests of the emission  
15 control devices and systems on the vehicle in accordance with section 44012 of that Code.

16 d. **Section 44059:** Respondent Topcu willfully entered false information for  
17 electronic Certificate of Compliance No. MU037023 by certifying that the vehicle had been  
18 inspected as required when, in fact, it had not.

19 **ONE HUNDRED THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant  
21 to the Motor Vehicle Inspection Program)**

22 143. Respondent Topcu has subjected his technician license to disciplinary  
23 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
24 July 27, 2007, regarding the 1996 Ford Explorer, he violated the following sections of the  
25 California Code of Regulations, title 16:

26 a. **Section 3340.24, subdivision (c):** Respondent Topcu falsely or  
27 fraudulently issued electronic Certificate of Compliance No. MU037023 for the vehicle, in that

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1 the vehicle could not pass the visual portion of the smog inspection because the vehicle's PCV  
2 system was missing.

3 b. **Section 3340.30, subdivision (a):** Respondent Topcu failed to inspect  
4 and test the vehicle in accordance with Health and Safety Code section 44012.

5 c. **Section 3340.41, subdivision (c):** Respondent Topcu entered false  
6 information into the EIS unit by entering "Pass" for the PCV system when, in fact, the vehicle's  
7 PCV system was missing.

8 d. **Section 3340.42:** Respondent Topcu failed to conduct the required smog  
9 tests on the vehicle in accordance with the Bureau's specifications.

#### 10 **ONE HUNDRED FOURTH CAUSE FOR DISCIPLINE**

##### 11 **(Dishonesty, Fraud or Deceit)**

12 144. Respondent Topcu has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
14 July 27, 2007, regarding the 1996 Ford Explorer, he committed acts involving dishonesty, fraud  
15 or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
16 MU037023 for that vehicle without performing a bona fide inspection of the emission control  
17 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
18 protection afforded by the Motor Vehicle Inspection Program.

#### 19 **UNDERCOVER OPERATION - AUGUST 2, 2007**

20 145. On August 2, 2007, a Bureau undercover operator using the alias  
21 Joe R. Wong ("operator") drove a Bureau-documented 1992 Oldsmobile Bravada, California  
22 License Plate No. 3WGW652, to Respondent No. 5's facility for a smog inspection. The vehicle  
23 could not pass a smog inspection because of the vehicle's non-functional exhaust gas  
24 recirculation ("EGR") system. Respondent Topcu performed the smog inspection and issued  
25 electronic Certificate of Compliance No. MU098289, certifying that he had tested and inspected  
26 the 1992 Oldsmobile Bravada and that the vehicle was in compliance with applicable laws and  
27 regulations. In fact, the vehicle could not have passed the functional portion of the smog  
28 inspection because of the vehicle's non-functional EGR system.

1                                   **ONE HUNDRED FIFTH CAUSE FOR DISCIPLINE**

2                                   **(Untrue or Misleading Statements)**

3                   146.   Respondent No. 5's registration is subject to disciplinary action pursuant  
4 to Code section 9884.7, subdivision (a)(1), in that on or about August 2, 2007, it made or  
5 authorized statements which it knew or in the exercise of reasonable care it should have known  
6 to be untrue or misleading by issuing electronic Certificate of Compliance No. MU098289 for  
7 the 1992 Oldsmobile Bravada, certifying that the vehicle was in compliance with applicable laws  
8 and regulations. In fact, the vehicle could not have passed the functional portion of the smog  
9 inspection because of the vehicle's non-functional EGR system.

10                               **ONE HUNDRED SIXTH CAUSE FOR DISCIPLINE**

11                               **(Fraud)**

12                   147.   Respondent No. 5's registration is subject to disciplinary action pursuant  
13 to Code section 9884.7, subdivision (a)(4), in that on or about August 2, 2007, it committed acts  
14 which constitute fraud by issuing electronic Certificate of Compliance No. MU098289 for the  
15 1992 Oldsmobile Bravada without performing a bona fide inspection of the emission control  
16 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
17 protection afforded by the Motor Vehicle Inspection Program.

18                               **ONE HUNDRED SEVENTH CAUSE FOR DISCIPLINE**

19                               **(Violations of the Motor Vehicle Inspection Program)**

20                   148.   Respondent No. 5's station license is subject to disciplinary action  
21 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
22 August 2, 2007, regarding the 1992 Oldsmobile Bravada, it failed to comply with the following  
23 sections of that Code:

24                   a.       **Section 44012, subdivision (a):** Respondent No. 5 failed to determine  
25 that all emission control devices and systems required by law were installed and functioning  
26 correctly in accordance with test procedures.

27                   b.       **Section 44012, subdivision (f):** Respondent No. 5 failed to perform  
28 emission control tests on the vehicle in accordance with procedures prescribed by the department.



1 c. Section 44015, subdivision (b): Respondent No. 5 issued electronic  
2 Certificate of Compliance No. MU098289 for the vehicle without properly testing and inspecting  
3 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

4 d. Section 44059: Respondent No. 5 willfully made false entries for  
5 electronic Certificate of Compliance No. MU098289 by certifying that the vehicle had been  
6 inspected as required when, in fact, it had not.

7 **ONE HUNDRED EIGHTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations Pursuant  
9 to the Motor Vehicle Inspection Program)**

10 149. Respondent No. 5's station license is subject to disciplinary action  
11 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
12 August 2, 2007, regarding the 1992 Oldsmobile Bravada, it failed to comply with provisions of  
13 California Code of Regulations, title 16, as follows:

14 a. Section 3340.24, subdivision (c): Respondent No. 5 falsely or  
15 fraudulently issued electronic Certificate of Compliance No. MU098289 for the vehicle, in that  
16 the vehicle could not pass the functional portion of the smog inspection because of the vehicle's  
17 non-functional EGR system.

18 b. Section 3340.35, subdivision (c): Respondent No. 5 issued electronic  
19 Certificate of Compliance No. MU098289 for the vehicle even though the vehicle had not been  
20 inspected in accordance with section 3340.42.

21 c. Section 3340.42: Respondent No. 5 failed to conduct the required smog  
22 tests on the vehicle in accordance with the Bureau's specifications.

23 **ONE HUNDRED NINTH CAUSE FOR DISCIPLINE**

24 **(Dishonesty, Fraud or Deceit)**

25 150. Respondent No. 5's station license is subject to disciplinary action  
26 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
27 August 2, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured  
28 by issuing electronic Certificate of Compliance No. MU098289 for the 1992 Oldsmobile

1 Bravada without performing a bona fide inspection of the emission control devices and systems  
2 on the vehicle, thereby depriving the People of the State of California of the protection afforded  
3 by the Motor Vehicle Inspection Program.

4 **ONE HUNDRED TENTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Motor Vehicle Inspection Program)**

6 151. Respondent Topcu has subjected his technician license to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
8 August 2, 2007, regarding the 1992 Oldsmobile Bravada, he violated the following sections of  
9 that Code:

10 a. **Section 44012, subdivision (a):** Respondent Topcu failed to determine  
11 that all emission control devices and systems required by law were installed and functioning  
12 correctly in accordance with test procedures.

13 b. **Section 44012, subdivision (f):** Respondent Topcu failed to perform  
14 emission control tests on the vehicle in accordance with procedures prescribed by the department.

15 c. **Section 44032:** Respondent Topcu failed to perform tests of the emission  
16 control devices and systems on the vehicle in accordance with section 44012 of that Code.

17 d. **Section 44059:** Respondent Topcu willfully entered false information for  
18 electronic Certificate of Compliance No. MU098289 by certifying that the vehicle had been  
19 inspected as required when, in fact, it had not.

20 **ONE HUNDRED ELEVENTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Regulations Pursuant  
22 to the Motor Vehicle Inspection Program)**

23 152. Respondent Topcu has subjected his technician license to disciplinary  
24 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
25 August 2, 2007, regarding the 1992 Oldsmobile Bravada, he violated the following sections of  
26 the California Code of Regulations, title 16:

27 a. **Section 3340.24, subdivision (c):** Respondent Topcu falsely or  
28 fraudulently issued electronic Certificate of Compliance No. MU098289 for the vehicle, in that

1 the vehicle could not pass the visual portion of the smog inspection because of the vehicle's non-  
2 functional EGR system.

3 b. Section 3340.30, subdivision (a): Respondent Topcu failed to inspect  
4 and test the vehicle in accordance with Health and Safety Code section 44012.

5 c. Section 3340.41, subdivision (c): Respondent Topcu entered false  
6 information into the EIS unit by entering "Pass" for the functional inspection of the EGR system  
7 when, in fact, that system was non-functional.

8 d. Section 3340.42: Respondent Topcu failed to conduct the required smog  
9 tests on the vehicle in accordance with the Bureau's specifications.

10 **ONE HUNDRED TWELFTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 153. Respondent Topcu has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
14 August 2, 2007, regarding the 1992 Oldsmobile Bravada, he committed acts involving  
15 dishonesty, fraud or deceit whereby another was injured by issuing electronic Certificate of  
16 Compliance No. MU098289 for that vehicle without performing a bona fide inspection of the  
17 emission control devices and systems on the vehicle, thereby depriving the People of the State of  
18 California of the protection afforded by the Motor Vehicle Inspection Program.

19 **UNDERCOVER OPERATION - AUGUST 13, 2007**

20 154. On August 13, 2007, a Bureau undercover operator using the alias  
21 Joe Wong ("operator") drove a Bureau-documented 1994 Toyota Camry, California License  
22 Plate No. 3FLD508, to Respondent No. 5's facility for a smog inspection. The vehicle could not  
23 pass a smog inspection because the vehicle's ignition timing was adjusted beyond the  
24 manufacturer's specifications. Respondent Topcu performed the smog inspection and issued  
25 electronic Certificate of Compliance No. VJ442115, certifying that he had tested and inspected  
26 the 1994 Toyota Camry and that the vehicle was in compliance with applicable laws and  
27 regulations. In fact, the vehicle could not have passed the functional portion of the smog

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1 inspection because the vehicle's ignition timing was adjusted beyond the manufacturer's  
2 specifications.

3 **ONE HUNDRED THIRTEENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 155. Respondent No. 5's registration is subject to disciplinary action pursuant  
6 to Code section 9884.7, subdivision (a)(1), in that on or about August 13, 2007, it made or  
7 authorized statements which it knew or in the exercise of reasonable care it should have known  
8 to be untrue or misleading by issuing electronic Certificate of Compliance No. VJ442115 for the  
9 1994 Toyota Camry, certifying that the vehicle was in compliance with applicable laws and  
10 regulations. In fact, the vehicle could not have passed the functional portion of the smog  
11 inspection because the vehicle's ignition timing was adjusted beyond the manufacturer's  
12 specifications.

13 **ONE HUNDRED FOURTEENTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 156. Respondent No. 5's registration is subject to disciplinary action pursuant  
16 to Code section 9884.7, subdivision (a)(4), in that on or about August 13, 2007, it committed acts  
17 which constitute fraud by issuing electronic Certificate of Compliance No. VJ442115 for the  
18 1994 Toyota Camry without performing a bona fide inspection of the emission control devices  
19 and systems on the vehicle, thereby depriving the People of the State of California of the  
20 protection afforded by the Motor Vehicle Inspection Program.

21 **ONE HUNDRED FIFTEENTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program)**

23 157. Respondent No. 5's station license is subject to disciplinary action  
24 pursuant to Health & Safety Code section 44072.2, subdivision (a), in that on or about  
25 August 13, 2007, regarding the 1994 Toyota Camry, it failed to comply with the following  
26 sections of that Code:

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1 a. Section 44012, subdivision (a): Respondent No. 5 failed to determine  
2 that all emission control devices and systems required by law were installed and functioning  
3 correctly in accordance with test procedures.

4 b. Section 44012, subdivision (f): Respondent No. 5 failed to perform  
5 emission control tests on the vehicle in accordance with procedures prescribed by the department.

6 c. Section 44015, subdivision (b): Respondent No. 5 issued electronic  
7 Certificate of Compliance No. VJ442115 for the vehicle without properly testing and inspecting  
8 the vehicle to determine if it was in compliance with Health & Safety Code section 44012.

9 d. Section 44059: Respondent No. 5 willfully made false entries for  
10 electronic Certificate of Compliance No. VJ442115 by certifying that the vehicle had been  
11 inspected as required when, in fact, it had not.

12 **ONE HUNDRED SIXTEENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations Pursuant**  
14 **to the Motor Vehicle Inspection Program)**

15 158. Respondent No. 5's station license is subject to disciplinary action  
16 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about  
17 August 13, 2007, regarding the 1994 Toyota Camry, it failed to comply with provisions of  
18 California Code of Regulations, title 16, as follows:

19 a. Section 3340.24, subdivision (c): Respondent No. 5 falsely or  
20 fraudulently issued electronic Certificate of Compliance No. VJ442115 for the vehicle, in that the  
21 vehicle could not pass the functional portion of the smog inspection because the vehicle's  
22 ignition timing was adjusted beyond the manufacturer's specifications.

23 b. Section 3340.35, subdivision (c): Respondent No. 5 issued electronic  
24 Certificate of Compliance No. VJ442115 for the vehicle even though the vehicle had not been  
25 inspected in accordance with section 3340.42.

26 c. Section 3340.42: Respondent No. 5 failed to conduct the required smog  
27 tests on the vehicle in accordance with the Bureau's specifications.

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1                   **ONE HUNDRED SEVENTEENTH CAUSE FOR DISCIPLINE**

2                   **(Dishonesty, Fraud or Deceit)**

3                   159. Respondent No. 5's station license is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about  
5 August 13, 2007, it committed dishonest, fraudulent or deceitful acts whereby another is injured  
6 by issuing electronic Certificate of Compliance No. VJ442115 for the 1994 Toyota Camry  
7 without performing a bona fide inspection of the emission control devices and systems on the  
8 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
9 Motor Vehicle Inspection Program.

10                   **ONE HUNDRED EIGHTEENTH CAUSE FOR DISCIPLINE**

11                   **(Violations of the Motor Vehicle Inspection Program)**

12                   160. Respondent Topcu has subjected his technician license to disciplinary  
13 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that on or about  
14 August 13, 2007, regarding the 1994 Toyota Camry, he violated the following sections of that  
15 Code:

16                   a.       **Section 44012, subdivision (a):** Respondent Topcu failed to determine  
17 that all emission control devices and systems required by law were installed and functioning  
18 correctly in accordance with test procedures.

19                   b.       **Section 44012, subdivision (f):** Respondent Topcu failed to perform  
20 emission control tests on the vehicle in accordance with procedures prescribed by the department.

21                   c.       **Section 44032:** Respondent Topcu failed to perform tests of the emission  
22 control devices and systems on the vehicle in accordance with section 44012 of that Code.

23                   d.       **Section 44059:** Respondent Topcu willfully entered false information for  
24 electronic Certificate of Compliance No. VJ442115 for the vehicle by certifying that the vehicle  
25 had been inspected as required when, in fact, it had not.

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1                                   **ONE HUNDRED NINETEEN CAUSE FOR DISCIPLINE**

2                                   **(Failure to Comply with Regulations Pursuant**  
3                                   **to the Motor Vehicle Inspection Program)**

4                                   161. Respondent Topcu has subjected his technician license to disciplinary  
5 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that on or about  
6 August 13, 2007, regarding the 1994 Toyota Camry, he violated the following sections of the  
7 California Code of Regulations, title 16:

8                                   a.       **Section 3340.24, subdivision (c):** Respondent Topcu falsely or  
9 fraudulently issued electronic Certificate of Compliance No. VJ442115 for the vehicle, in that the  
10 vehicle could not pass the functional portion of the smog inspection because the vehicle's  
11 ignition timing was adjusted beyond the manufacturer's specifications.

12                                  b.       **Section 3340.30, subdivision (a):** Respondent Topcu failed to inspect  
13 and test the vehicle in accordance with Health and Safety Code section 44012.

14                                  c.       **Section 3340.41, subdivision (c):** Respondent Topcu entered false  
15 information into the EIS unit by entering "Pass" for the functional portion of the smog inspection  
16 when, in fact, the vehicle's ignition timing was adjusted beyond the manufacturer's  
17 specifications.

18                                  d.       **Section 3340.42:** Respondent Topcu failed to conduct the required smog  
19 tests on the vehicle in accordance with the Bureau's specifications.

20                                   **ONE HUNDRED TWENTIETH CAUSE FOR DISCIPLINE**

21                                   **(Dishonesty, Fraud or Deceit)**

22                                  162. Respondent Topcu has subjected his technician license to disciplinary  
23 action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or about  
24 August 13, 2007, regarding the 1994 Toyota Camry, he committed acts involving dishonesty,  
25 fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No.  
26 VJ442115 for that vehicle without performing a bona fide inspection of the emission control  
27 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
28 protection afforded by the Motor Vehicle Inspection Program.

**PRIOR DISCIPLINE**

**RESPONDENT NO. 1**

163. Pursuant to the Decision and Order, a stipulated settlement in Statement of Issues Case No. 79/04-00 S, which became effective January 30, 2006, the Bureau issued Respondent's Automotive Repair Dealer Registration No. ARD 241700 on February 3, 2006, and Smog Check Test Only Station License No. TC 241700 on February 16, 2006. Automotive Repair Dealer Registration No. ARD 241700 and Smog Check Test Only Station License No. TC 241700 were immediately revoked; however, revocations were stayed, and the licenses were placed on probation with terms and conditions. Pursuant to the settlement, Respondent agreed to be bound by all of the terms and conditions set forth in the Decision and Order in Accusation No. 79/04-00, a related case brought against Respondent No. 5, as more particularly set forth in paragraph 167, below. The probation term ended December 6, 2007.

**RESPONDENT NO. 2**

164. Pursuant to the Decision and Order, a stipulated settlement in Statement of Issues Case No. 79/04-00 S, which became effective June 30, 2006, the Bureau issued Respondent's Automotive Repair Dealer Registration No. ARD 244942 on July 11, 2006, and Smog Check Test Only Station License No. TC 244942 on November 20, 2006. Automotive Repair Dealer Registration No. ARD 244942 and Smog Check Test Only Station License No. TC 244942 were immediately revoked; however, revocations were stayed, and the licenses were placed on probation with terms and conditions. Pursuant to the settlement, Respondent agreed to be bound by all of the terms and conditions set forth in the Decision and Order in Accusation No. 79/04-00, a related case brought against Respondent No. 5, as more particularly set forth in paragraph 167, below. The probation term ended December 6, 2007.

**RESPONDENT NO. 3**

165. Pursuant to the Decision and Order, a stipulated settlement in Statement of Issues Case No. 79/04-00 S, which became effective February 8, 2007, the Bureau issued Respondent's Automotive Repair Dealer Registration No. ARD 248804 on February 14, 2007, and Smog Check Test Only Station License No. TC 248804 on March 2, 2007. Automotive



1 Repair Dealer Registration No. ARD 248804 and Smog Check Test Only Station License No.  
2 TC 248804 were immediately revoked; however, revocations were stayed, and the licenses were  
3 placed on probation with terms and conditions. Pursuant to the settlement, Respondent agreed to  
4 be bound by all of the terms and conditions set forth in the Decision and Order in Accusation No.  
5 79/04-00, a related case brought against Respondent No. 5, as more particularly set forth in  
6 paragraph 167, below. The probation term ended December 6, 2007.

7 **RESPONDENT NO. 4**

8 166. Pursuant to the Decision and Order, a stipulated settlement in Statement of  
9 Issues Case No. 79/04-00 S, which became effective February 2, 2005, the Bureau issued  
10 Respondent's Automotive Repair Dealer Registration No. ARD 236306 on February 9, 2005, and  
11 Smog Check Test Only Station License No. TC 236306 on February 14, 2005. Automotive  
12 Repair-Dealer Registration No. ARD-236306 and Smog Check Test Only Station License No.  
13 TC 236306 were immediately revoked; however, revocations were stayed, and the licenses were  
14 placed on probation with terms and conditions. Pursuant to the settlement, Respondent agreed to  
15 be bound by all of the terms and conditions set forth in the Decision and Order in Accusation No.  
16 79/04-00, a related case brought against Respondent No. 5, as more particularly set forth in  
17 paragraph 167, below. The probation term ended December 6, 2007.

18 **RESPONDENT NO. 5**

19 167. Effective December 6, 2004, pursuant to the Decision and Order in  
20 Accusation Case No. 79/04-00, Respondent's Automotive Repair Dealer Registration No. ARD  
21 221700 and Smog Check Test Only Station License No. TC 221700 were revoked; however,  
22 revocation was stayed, and the licenses were placed on probation with terms and conditions.  
23 Further, Smog Check Test Only Station License No. TC 221700 was suspended for thirty (30)  
24 days. The probation term ended December 6, 2007.

25 **OTHER MATTERS**

26 168. Under Code section 9884.7, subdivision (c), the director may invalidate  
27 temporarily or permanently or refuse to validate, the registrations for all places of business  
28 operated in this state by Chevrem Corporation doing business as Clear Blue Test Only Smog

1 Station including, but not limited to Clear Blue Test Only Smog Station #3; Clear Blue Test Only  
2 Station 2; Test Only Smog Station II; and, G I C Smog Station, upon a finding that it has, or is,  
3 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
4 automotive repair dealer.

5 169. Under Health and Safety Code section 44072.8, if Smog Check Test Only  
6 Station License Number TC 241700, issued to Chevrem Corporation doing business as Clear  
7 Blue Test Only Smog Station, is revoked or suspended, any additional license issued under this  
8 chapter in the name of said licensee including, but not limited to, TC 244942, issued to Chevrem  
9 Corporation, doing business as Clear Blue Test Only Smog Station 2; TC 248804, issued to  
10 Chevrem Corporation, doing business as Clear Blue Test Only Smog Station 3; TC 236306,  
11 issued to Chevrem Corporation, doing business as Test Only Smog Station II; and TC 221700,  
12 issued to Chevrem Corporation, doing business as G I C Smog Station, may be likewise revoked  
13 or suspended by the director.

14 170. Under Health and Safety Code section 44072.8, if Advanced Emission  
15 Specialist Technician License Number EA 152180, issued to Harpreet Singh Chhina, is revoked  
16 or suspended, any additional license issued under this chapter in the name of said licensee may  
17 be likewise revoked or suspended by the director.

18 171. Under Health and Safety Code section 44072.8, if Advanced Emission  
19 Specialist Technician License Number EA 151176, issued to Christopher Bryan Harrison, is  
20 revoked or suspended, any additional license issued under this chapter in the name of said  
21 licensee may be likewise revoked or suspended by the director.

22 172. Under Health and Safety Code section 44072.8, if Advanced Emission  
23 Specialist Technician License Number EA 144440, issued to Winchester Sibuma Ordonez, is  
24 revoked or suspended, any additional license issued under this chapter in the name of said  
25 licensee may be likewise revoked or suspended by the director.

26 173. Under Health and Safety Code section 44072.8, if Advanced Emission  
27 Specialist Technician License Number EA 152893, issued to Bryon Leonard Schaub, is revoked  
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1 or suspended, any additional license issued under this chapter in the name of said licensee may  
2 be likewise revoked or suspended by the director.

3 174. Under Health and Safety Code section 44072.8, if Advanced Emission  
4 Specialist Technician License Number EA 147911, issued to Nusret B. Topcu, is revoked or  
5 suspended, any additional license issued under this chapter in the name of said licensee may be  
6 likewise revoked or suspended by the director.

7 175. Under Health and Safety Code section 44072.8, if Advanced Emission  
8 Specialist Technician License Number EA 151026, issued to Matthew Jared Phelps, is revoked  
9 or suspended, any additional license issued under this chapter in the name of said licensee may  
10 be likewise revoked or suspended by the director.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

14 1. Revoking or suspending Automotive Repair Dealer Registration Number  
15 ARD 241700, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
16 Station;

17 2. Revoking or suspending Automotive Repair Dealer Registration Number  
18 ARD 244942, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
19 Station 2;

20 3. Revoking or suspending Automotive Repair Dealer Registration Number  
21 ARD 248804, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
22 Station 3;

23 4. Revoking or suspending Automotive Repair Dealer Registration Number  
24 ARD 236306, issued to Chevrem Corporation, doing business as Test Only Smog Station II;

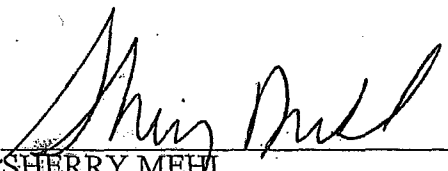
25 5. Revoking or suspending Automotive Repair Dealer Registration Number  
26 ARD 221700, issued to Chevrem Corporation, doing business as G I C Smog Station;

27 6. Temporarily or permanently invalidating any other automotive repair  
28 dealer registration issued to Chevrem Corporation;

- 1                   7.     Revoking or suspending Smog Check, Test Only Station License Number  
2 TC 241700, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
3 Station;
- 4                   8.     Revoking or suspending Smog Check, Test Only Station License Number  
5 TC 244942, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
6 Station 2;
- 7                   9.     Revoking or suspending Smog Check, Test Only Station License Number  
8 TC 248804, issued to Chevrem Corporation, doing business as Clear Blue Test Only Smog  
9 Station 3;
- 10                  10.    Revoking or suspending Smog Check, Test Only Station License Number  
11 TC 236306, issued to Chevrem Corporation, doing business as Test Only Smog Station II;
- 12                  11.    Revoking or suspending Smog Check, Test Only Station License Number  
13 TC 221700, issued to Chevrem Corporation, doing business as G I C Smog Station;
- 14                  12.    Revoking or suspending any additional license issued under Chapter 5 of  
15 the Health and Safety Code in the name of Chevrem Corporation;
- 16                  13.    Revoking or suspending Advanced Emission Specialist Technician  
17 License Number EA 152180, issued to Harpreet Singh Chhina;
- 18                  14.    Revoking or suspending any additional license issued under Chapter 5 of  
19 the Health and Safety Code in the name of Harpreet Singh Chhina;
- 20                  15.    Revoking or suspending Advanced Emission Specialist Technician  
21 License Number EA 151176, issued to Christopher Bryan Harrison;
- 22                  16.    Revoking or suspending any additional license issued under Chapter 5 of  
23 the Health and Safety Code in the name of Christopher Bryan Harrison;
- 24                  17.    Revoking or suspending Advanced Emission Specialist Technician  
25 License Number EA 144440, issued to Winchester Sibuma Ordonez;
- 26                  18.    Revoking or suspending any additional license issued under Chapter 5 of  
27 the Health and Safety Code in the name of Winchester Sibuma Ordonez;
- 28                  ///

- 1                   19.    Revoking or suspending Advanced Emission Specialist Technician  
2 License Number EA 152893, issued to Bryon Leonard Schaub;
- 3                   20.    Revoking or suspending any additional license issued under Chapter 5 of  
4 the Health and Safety Code in the name of Bryon Leonard Schaub;
- 5                   21.    Revoking or suspending Advanced Emission Specialist Technician  
6 License Number EA 147911, issued to Nusret B. Topcu;
- 7                   22.    Revoking or suspending any additional license issued under Chapter 5 of  
8 the Health and Safety Code in the name of Nusret B. Topcu;
- 9                   23.    Revoking or suspending Advanced Emission Specialist Technician  
10 License Number EA 151026, issued to Matthew Jared Phelps;
- 11                   24.    Revoking or suspending any additional license issued under Chapter 5 of  
12 the Health and Safety Code in the name of Matthew Jared Phelps;
- 13                   25.    Ordering Chevrem Corporation, Harpreet Singh Chhina, Christopher  
14 Bryan Harrison, Winchester Sibuma Ordonez, Bryon Leonard Schaub, Nusret B. Topcu, and  
15 Matthew Jared Phelps to pay the Bureau of Automotive Repair the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 17                   26.    Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 9-15-08

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22   
23 SHERRY MEHL  
24 Chief  
25 Bureau of Automotive Repair  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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